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By Act. 1700 c. 8. all Laws before
June 28. 1699, repealed, save
those annexed to a schedule of
other Acts the same identical with the
Schedule of 1699 c. 46.

To my Honoured and Ingenious Friend
of Annapolis

Sr,

It is certainly an argument of a most ingenious Minde as well as
Commonwealth, where a man finds ways to advance his own interest
together, which I doubt not but will be effectually done by your happy under-
standing of the printing and publishing the Laws of this Province, whereby the whole Body
of them now in force will be to be had at so reasonable a rate that scarce any man will be
willing but may have them, and as it is a maxime principle for every man to be
himself acquainted with the Laws of the Country he lives in, so it is very reasonable
to be ignorant of them, by reason of that maxim that ignorance of the Law is no
excuse, which though it may seem a harsh maxim, yet when throughly under-
stood is most just and reasonable, encouraging men to attain the knowledge
of the Laws under which they live, and that by two of the best springs of human
nature hope and fear, hope of knowledge and understanding the nature and constitution of
the government they live in, which is in the most liberal manner discovered by the Laws
of the Country, and of being punished for the breach of any of them, that through
a willful ignorance they know not this maxim will appear more reasonable when compar-
ed with us to one who is ignorant of the Law should excuse, then the more igno-
rant the more ignorant one could be punished by the Law but them that know it, for
that knowledge is a dangerous thing, and yet it is the experience of all ages that
the more knowledge people have (which is to be more wise) they are the happier in
their government and constitution: But this is but in general, this worthy undertak-
ing as I conceive is pregnant, with many great benefits to the Province in particu-
lar, taking this to be granted (which I believe will hardly be denied) that very few
Gentlemen of this Province, nay nor all the Justices of the Provincial and County
Courts have yet had the Body of the Laws by them so as to read, meditate and digest
them, without which it is impossible rightly to know them, for indeed they were not to
be had but at a great charge and difficult to be got at any cost, and then but in a
few hands.

I say supposing this, and now that the plain print and easy price will remove the for-
mer difficulties it cannot I think be doubted but that all the Justices of the Provincial
and County Courts will have them in their Studies for the reasons already said, and the
better to enable them to give a right judgment of those laws when pleaded before
and next to them, all other Officers of what nature, power and others.

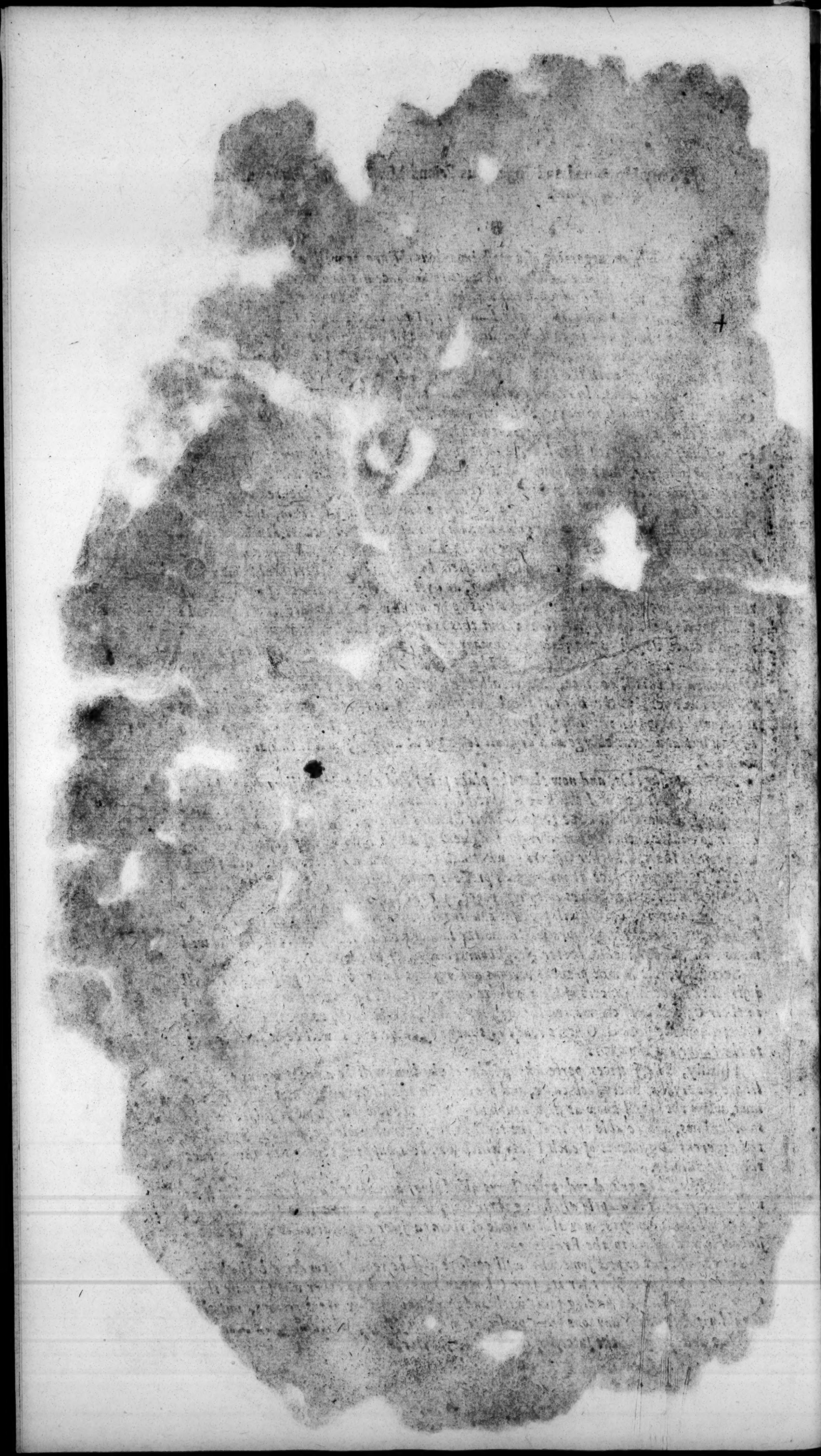
First, In the first place it must needs prevent many tedious and chargeable suits
that men involve themselves in by ignorance, for the law will instruct men what to do
and what to avoid, and it will prevent cunning ill men from imposing on their Neigh-
bours because their Neighbours will know the law as well as themselves, and that will
make Men more peaceable, better Neighbours, and easier to the Courts of Justice.

Secondly, As it will prevent actions and injuries among private persons, so it will
instruct the several Officers of Courts their duty, which will prevent many misfeasances
in their Offices early committed through ignorance, and which give great delays to the
Courts, now the several Officers ready discharge of their duties will be a furtherance
to the business of the Court.

Thirdly, The Justices perfect knowledge of the laws will be a great means to faci-
litate the trial of every such cause, and prevent the turning over books to find out the
law, when they shall know at first mentioning what the law is and how it stands related
to other laws, and be able to direct the trial by their own knowledge, and distinguish
the different Arguments of each Party which will be a happiness no less to themselves
then the Suitors.

Fourthly, The grand and petty Jurys also being acquainted and knowing the laws
will more readily and aptly discharge their several offices, more might be encouraged
but if all the benefits, may if but some of them answer expectation it will be a con-
siderable advantage to the Province.

You can not but expect some who will censure and be ready to condemn both the un-
dertaking and the reasons for it, such (I mean) who know no other way to raise their
own estate then by finding faults with and condemning other Mens actions, but it
should not discourage any one from prosecuting a good design, which will be a
great advantage to the Province.



(1)

Evan Jones, Collection of m. l. 1718.

See also for the same of the

See also Thomas Bacon 1715

MARYLAND ff.

At a Session of Assembly begun and held at the City of St Mary's in their Majesty's Province of MARYLAND the 10th. Day of May 1692, and in the Fourth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY by the Grace of G O D of England Scotland France and Ireland King and Queen Defenders of the Faith &c. His Excellency L^r NEL COPLEY Esq^r being then Governour in Chief and Captain General, These following Laws were Enacted, to the Honour and Glory of G O D and Welfare of this his Majesty's Province.

AN ACT OF RECOGNITION.

WE Your Majesty's most Humble and Loyal Subjects of this your Majesty's Province of Maryland, the Governour and General Assembly, do Beseech your Most Excellent Majesty's that it may be publish'd and declar'd in this General Assembly and Enacted by the Authority of the same, That We do Recognize and Acknowledge Your Majesty's are, and of Right ought to be by the Laws of the Realm of England our Sovereign Liege Lord and Lady King and Queen of England Scotland France and Ireland and the Dominions thereunto belonging, in and to whose Princely Persons the Royal Estate, Crown and Dignity of the said Realms, with all Honours, Stiles, Titles, Regality's, Prerogatives, Powers, Jurisdictions, and Authority's to the same belonging and appertaining, are most Fully Rightfully and Intirely Invested and Incorporated United and Annexed.

For this Collection is a copy of the new to be appearing to have printed in 1699 or 1700. O. P. Kern
An Act providing what shall be good Evidence to prove Foreign Debts.
In Kithen May 1692. C. 50. more title of it. 1849

WHEREAS divers People of the Kingdom of England and other places, have in their Hands Bonds of divers and sundry Persons now residing in this Province, and send them to certain Attorneys to be put in Suit against the said Debtors here, which for want of a Law to explain, and ascertain what shall be sufficient proof and Evidence for the proving the said Bonds to be the Act and Deed of the Debtors, and by them to be seal'd and deliver'd, neither is there any way for the Debtors to discharge themselves of the same if they have satisfied the same, as by bringing the Creditor upon his Oath, to declare and set forth if he hath received the said Debts or any part thereof, or whether there be not any Accounts between the Creditor and Debtor whereby he may discount the same, or to prove his Releases; the Witnesses living remote, and impossible to bring them viva voce to give their Testimony therein, which thing proves oftentimes very prejudicial to both Parties, to prevent which, and to give Redress therein for the future, BE IT ENACTED by the King and Queen's most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Debts of Record, whether by Judgment, Recognizance, Deed Enroled and upon Record, the Exemplification thereof under the Seal of the County's where the said Judgment was given, or the said Judgment was Recorded, shall be a sufficient Evidence to prove the same. And that all other Debts by Bonds, Bills, Accounts or otherwise, that shall from and after the publication hereof be sent hither to be put in Suit against any Person whatsoever, living or residing within this Province shall be proved by the Oaths of the Witnesses thereunto, by a Notary Publick or other Officer Lawfully Authorized thereunto of the County or Place wheresoever it shall happen the said Bonds or Bills

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1704. c. 77

providing what shall be g^o Evidence to prove foreign debts.

shall be sent from; at which time, and before which said Publick Notary or other publick Officer shall be present the Creditors, who shall then likewise before such Publick Notary or other publick Officer of the place so Authorized upon his Corporal Oath declare that the said Debt or any part thereof is not satisfied, or that there is not any Accounts between the said Creditor and Debtor by which the said Creditor may be likewise indebted to the Debtor to the value of the said Debt, or any part thereof for any matter or thing accrewed since the time of the date of the said Bond Bill or Instrument, or whether the said Creditor hath not given to the said Debtor any Release for the same, to be sent together with the proofs under the Hands and Seals of the Publick Notary or other publick Officer thereunto appointed, which if the Creditor shall refuse or neglect to perform or do, then the said matter and thing by the said Publick Notary or other Officer so by them certified as aforesaid, shall not be received as Evidence to prove the said Debt. And if the said Creditor be dead, and his Executor or Administrator Sue such Bond, Bill, Account or otherwise Sue any Debtor for the same, the Executor and Administrator in like manner before such Notary Publick or other Officer for that purpose appointed, shall set forth and declare upon their Oath whether or no they have not heard the Creditor in his Life time acknowledge that Debt to be satisfied, or whether or not upon sight of the Creditors Books, Writings or Accounts, they have not seen Credit given to the Debtor since the Day of the making of the said Bills, Bonds, or beginning of the Accounts so Sued for, all which in like manner is to be certified by the publick Notary or other Officer thereunto appointed under his Hand and Seal to be sent along to this Country, together with the Testimony of the Witnesses that have testified to the said Bonds, Bills, Accompts or otherwise, all which if the said Executor or Administrator refuse or neglect to do, then the said matter and thing by the publick Notary or other Officer appointed as aforesaid certified shall not be received in Evidence for valid against the Debtor. Provided though the proofs and Evidences are sufficient that the Plaintiff obtain Judgment for the said Debt, no Execution shall Issue forth against the Defendant until the Original be given up, or delivered up to the Defendant or his Attorney, or sufficient and legal Releases in case the Original be lost.

And Be it further Enacted that all and every the Attorney and Attorneys who shall be employed in the prosecution of such Suits, shall put in security to pay the Defendant all such Costs and Charges as shall be by the said Defendant in that case expended, in case the Plaintiff be cast in the Suit.

Provided likewise, That no Bill, Bond, Judgment, Recognizance, Statute Merchant and of the Staple or other Specialty whatsoever tho' proved and certified as aforesaid shall be good and pleadable, or admitted in Evidence against any Person or Persons of this Province wherein the Debtor and Creditor are both dead, and the Debt, or Thing, or Action above Twelve Years standing.

An Act for the Incouragement of the Importation of Negro's into this Province.

1692. c. 52. passed 7th Decr 17.

WHEREAS Several of the good People of this Province have been discouraged to Import into, or purchase within this Province any Negro's and other Slaves, and such as have imported or purchased any such Negro's or Slaves, have to the great displeasure of Almighty God, and the prejudice of the Souls of those poor People neglected to instruct them in the Christian Faith, or to induce or permit them to receive the holy Sacrament of Baptism for the Remission of their Sins upon a mistake and ungrounded apprehension, that by becoming Christians, they and the Issue of their Bodies are actually manumitted, and made free and discharged from their Servitude and Bondage.

BE IT DECLARED AND ENACTED by the King and Queens Most Excellent Majesty's, by and with the Advice and Consent of this present General Assembly and the Authority of the same, That where any Negro or Negro's, Slave or Slaves being in Servitude or Bondage, is or shall become Christian or Christians, and have, or hath received, or shall at any time receive the holy Sacrament of Baptism, before or after his her or their importation into this Province, the same is not, nor shall, or ought the same to be deemed, adjudged, construed, or taken to be, or amount unto a Manumission or Free, inlarging or discharging

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for Encouraging the Importation of Negro's.

discharging any such Negro or Negro's Slave or Slaves; or any of his her or their Issue or Issues, from his her or their or any of their Servitude or Servitudes, Bondage or Bondages; but that notwithstanding becoming Christian or Christians, or receiving the holy Sacrament of Baptism, every such Negro or Negro's Slave and Slaves, and all and every the Issue and Issues of every such Negro and Negro's Slave and Slaves, is, are and be, and shall at all times hereafter be adjudged, reputed, deemed, and taken to be and remain in Servitude and Bondage, and subject to the same Servitude and Bondage to all Intents and purposes, as if he she or they or every or any of them was or were in, and subject to before such his her or their becoming Christian or Christians, or receiving the holy Sacrament of Baptism, any Opinion or Matter or Thing to the contrary notwithstanding.

An Act for securing the Rights of several Persons.

WHEREAS many and frequent Complaints have been made by divers good People of this Province, who of late Years have procured of the Lord Proprietary of this Province Warrants for the laying out and taking up several quantities of Land within the same, and have passed their Bonds to his Lordship, according to his late Conditions of Plantations for the same, and by virtue of their Warrants, the several Surveyors of this Province, had before the Revolution of Affairs within the same surveyed and laid out pursuant to the said Warrants, several Tracts and parcels of Land for them or to their Assignes, and either had returned Certificate of the same unto the Examiner, or had it in their Hands ready to return before the Revolution as aforesaid; but the same Certificate either not arrived at the Land Office of this Province, or if the same was, no Patents as yet granted for the same; and his Lordship having shut up the Land Office of this Province, and no Persons being qualified to grant Patents for the same, they, and others in the like condition are in great danger of losing the Benefit and Estate, of, and in their said Lands so laid out and surveyed as aforesaid. In Tender Consideration whereof, and for prevention of such Inconveniency within this Province, your Majesties most Dutyful and Loyal Subjects the Burgesses and Delegates of this present General Assembly pray that it may be Enacted. And **BE IT ENACTED** by the King and Queens most Excellent Majesties by and with the Advice and Consent of this present General Assembly and the Authority of the same, That any Person or Persons whatsoever, being Free Denizens and Subjects to the Crown of *England*, that at any time heretofore within the space of five Yaars last past had obtained of his Lordship the Lord Proprietor of this Province; himself, or from any Person by from or under him, any Warrant or Warrants for any parcel or parcels of Land either of Resurvey or to be taken up within this Province, and by virtue of which, any parcel or parcels of Land whatsoever, was by any Lawful Surveyor of any County within this Province surveyed and laid out at any time before the Revolution of Affairs or before the tenth Day of *July*, One Thousand Six Hundred Eighty and Nine, and no Patent as yet from his Lordship granted for the same, such Person or Persons by himself or his Attorney, at any time within twelve Months from and after the publication of this Law in the County where such Land lieth, appearing before the Justices of the respective County in which the Land lieth as aforesaid, and producing to the Justices of the said County Courts a Certificate under Hand of such Surveyor as made the Survey of any parcel or parcels of Land as aforesaid, and proving the same by the Oath of such Surveyor if living, or by the Book of such Surveyor or other Evidence if the Surveyor be dead; that the same parcel or parcels of Land was really and *Bona Fide* laid out and surveyed for such person or persons by Warrant for the same, before the Revolution of Affairs in this Province in the year aforesaid, and filing the said Certificate and Oath in the Records of the said Court, it shall and may be Lawful to such person or persons to have, use, occupy, possess and enjoy all such Lands and Tenements so laid out and surveyed as aforesaid.

And it is hereby Declared and Enacted that such person or persons shall have and enjoy a pure and Lawful Estate of Inheritance in Fee Simple, of in and to all such parcel or parcels of Lands and Tenements according to the Conditions of Plantations, upon which such Warrants were granted as aforesaid, together with

For securing the Rights of several People.

All privileges Grants and Immunities whatsoever, incident appertaining or belonging to the same, altho' not in this Act to largely and particularly expressed, but as fully and absolutely, as if a Patent from his Lordship had been granted for the same, any Law Statute or Usage to the contrary hereof in any wise notwithstanding.

An Act for Limitation of certain Actions for avoiding Suits at Law.

FORASMUCH as nothing can be more Essential to the Peace and Tranquility of this Province, than the quieting the Estates of the Inhabitants thereof, and for the effecting of which, no better measures can be taken than a Limitation of Time for the Commencing such Actions as in the several and Respective Courts within this Province are brought from the time of the Cause of such Actions arising.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Actions of Trespass, *Quare Clausum fregit*, all Actions of Trespass, Detinue, Sur trover, or Replevin for taking away Goods and Chattels, all Actions of Accompts, Contract, Debt, Book, and upon the case other then such Accompts as concerns the Trade of Merchandize between Merchant and Merchant, their Factors and Servants which are nor Residents within this Province, all Actions of Debt for lending or Contract without Specialty, all Actions of Debt for Arrearages of Rents, all Actions of Assault, Menaces, Battery, Wounding and Imprisonment, or any of them, shall be sued or brought by any Person or Persons within this Province at any time after the End of this present General Assembly, shall be commenced and sued within the time and limitation hereafter expressed and not after, (that is to say) the said Actions for Accompt, and the said Actions for Debt, Detinue, and Replevin for Goods and Chattels, and the said Actions for Trespass, *quare Clausum fregit*, within two Years ensuing the Cause of such Action and not after; and the said Action on the Case for Words, and Actions of Trespass, of Assault, Battery, Wounding and Imprisonment or any of them, within one Year from the time of the Cause of such Action arising and not after.

And Be It Further Enacted by and with the Advice and Consent aforesaid, That in all Actions of the Case for Slanderous Words to be sued or prosecuted by any Person or Persons in any Courts of Record of this Province, that hath power to hold Plea of the same, after the end of this present Assembly, if the Jury upon the Tryal of the Issue in such Action, or the Jury that shall inquire of the Damages do find or assess the Damages under 40 s. then the Plantif or Plaintifs in such Action or Actions shall have and recover onely so much Costs as the Damages given or assessed amounts unto.

And Be It Further Enacted by the Authority aforesaid, That if any Person or Persons Inrituled to any the Action or Actions aforesaid, shall be at the time of any such Cause of Action accrewing within the Age of One and Twenty Years forme Covert *non Compis Mentis*, Imprisoned, or beyond the Seas, that then such Person or Persons shall be at Liberty to bring the same Action or Actions within such time as is before Limited, after their coming to, or being of full Age, Discover Sound Memory, at Large or returned from beyond the Seas, as other persons having no such Impediment might or should have done.

And Forasmuch as divers Disputes formerly arose, whether persons absenting the Province, or wandring from County to County, until the time by the late Act for the Reasons and purposes aforesaid limited and allowed were Expired, should have any benefit thereby, and different Judgments given thereon in the several and Respective County's within this Province, for that the said Act was therein altogether silent.

Be It Therefore Enacted by the Authority aforesaid, That from and after the publication hereof, no person or persons whatsoever absenting themselves out of this Province, or that shall remove from County to County after any Debt contracted, whereby the Creditor or Creditors may be at an uncertainty of finding out the said person or persons, or his or their Effects, shall have any benefit by the Limitations and Restrictions in this Act specified. Provided allways, That it is the true Intent and Meaning hereof, that this Act or any thing herein contained

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for Limitation of certain Actions for avoiding Law Suits.

tained, shall be construed reputed or taken to prejudice or debar any person removing himself or Family from one County to another for his convenience, or any person leaving this Province for the time and term in this Act Limited from the benefit thereof, he leaving Effects sufficient, and known for the payment of of his just Debts, in the Hands of some person or persons who will assume the payment thereof to his Creditors, any thing in this Act contained to the contrary hereof in any wise notwithstanding.

An Act for the Naturalization of John Ouldson and Mathias Vander-heyden.

Ch. 71. March 1692 in Hilary Term

An Act for publication of all Laws within this Province.

FORASMUCH as many new Laws have been made this present Assembly, wherein the welfare of the good People of this Province is much concerned, and divers old Laws not sufficiently providing against the Offences by them to be punished have been made more penal, to the end many people of this Province evilly disposed, may be deterred from evil doing; and that notwithstanding all the Laws, intend that every person in this Province is bound to take Notice of what is passed in the Assembly, because every person is there present in their Representations, yet his Excellency the Governour, the Council and Assembly desiring not the destruction of the very worst of the people of this Province nor that they should be overtaken by any Intendment in Law in a penal Act, tho' not at all too severe for the misdeeds it intends to punish, do think fit that it be Enacted, and **BE IT ENACTED** by the King and Queen's most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from henceforward all the Acts that shall pass from this and all the succeeding Assemblies, shall be from time to time fairly transcribed into Parchment and by Writ under the great Seal of this Province from time to time be passed by the Chancellor for the time being, to the Sheriff of each respective County be transmitted and commandment to them in the said Writs shall be given as well the said Acts in their several and respective County's, in what place to them shall seem most convenient to publish and proclaim all the said Acts of Assembly, to be firmly observed and kept.

And Be It Further Enacted by the Authority aforesaid, That every several and respective County shall from time to time pay to the Chancellor for the time being for such transcript of the Laws so much Tobacco, as by the said General Assembly in which the said Laws were made shall assess and allow.

An Act for taking away all Errors in Proceedings at Law and Equity, and in the Court for Probat of Wills &c. occasioned by the late Revolution.

WHEREAS upon the late Revolution, divers Differences and Disturbances did arise and happen within this Province, which occasioned many Errors and Irregularities in Proceedings of Law and Equity, and in the Court for Probat of Wills to be committed for preventing of all Disputes and Troubles that may happen thereupon.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Bills, Plaints, Process, Pleas, Judgments, Indictments, Informations, Proceedings, Causes, Matters and Things whatsoever, commenced or depending in any of the said Courts, since the first Day of April 1690 shall be good and effectual notwithstanding any Errors therein contained by discontinuances or otherwise whatsoever, by reason of the said late Troubles.

Provided nevertheless, That no person or persons whatsoever shall have, or take any benefit of this Act for any Error or Mistake in any of the Processes Pleas or other Proceedings not occasioned by the said late Troubles, but that the same shall remain and be as if this Act had never been made, any thing herein contained

ained to the contrary thereof in any wise notwithstanding.

And forasmuch as by reason of the late Revolution, all Judicial Proceedings were impeded and hindered for above two Years last past viz. from the Year of our Lord 1690, to this present time, being the Year of our Lord 1692.

Be It Enacted and Ordained by and with the Advice and Consent aforesaid and the Authority of the same, That the said Years shall not be accounted as Years included and meant in the Statute of Limitations for payment or demand of Debts, due by Bond Bill or Judgment, or in the Clause for the due returning of Certificates upon Warrants for Land granted, or Suing out of Patents for Lands, according to the directions and Instructions of any of the Lord *Baltimore's* Conditions of Plantations, or in the Clause for taking or suing out Patents for Lands contained in his Lordships Conditions of Plantations, but that in those and such like cases, the said Years of our Lord be passed by and not accounted for those Years thereby meant or mentioned

An Act against Ingrossers and Regraters.

1692. c. 64. *Relat. by the Assembly*

FORASMUCH as hitherto no Law hath been made within this Province for restraining and prohibiting Ingrossing and Regrating, the undue and too frequent practice whereof hath been made, and still is highly oppressive and injurious to the greater part of the Inhabitants of this Province, who are by means thereof deprived and wholly prevented from the benefit of laying out their Crops of Tobacco or any part thereof with the Merchant, Adventurer, their Factors or others, bringing all sorts of Goods Merchandizes and Servants for the purchase thereof, whilst a Covetous and Active Sort of People, but few in number of the Inhabitants of this Province do buy and purchase all, or most part of the Goods Merchandizes and Servants yearly brought into this Province, (without Consignment) for the purchase of Tobacco. And albeit they have not Tobacco of their own, whereby to pay for the Goods Merchandizes and Servants so by them from time to time bought and purchased, nevertheless, such is the necessity of the Province, that within a few days after such purchase, they can Regrate the said Goods Merchandizes and Servants and be ready for another Market, thereby not only enhancing the prizes of all Goods Merchandizes & Servants & be ready for another, but making several returns in one Shipping season, and in the meantime the greater Number of the Inhabitants of this Province are disabled and totally hindered from selling their Crops of Tobacco, unless it be to and with the afore said Huksters, or some, or one of them at their own dear Rates and Prizes, for prevention therefore of so great a Mischief for the future, Be It Enacted by the King & Queens most Excellent Majesty's by and with the Advice and Consent of this present general Assembly & the Authority of the same, that whatsoever person or persons, that from and after the publication hereof shall Ingross, or get into his her or their Hands or Possession, by buying contracting or promise, taking within this Province any Goods or Merchandizes whatsoever, or Servants, to the Intent to sell the same again within the space of six Months, and the same, or any part thereof shall within that time sell again for ready Tobacco, or for Tobacco to be paid the Shipping happening at the time of such first Sale, or for Tobacco to be Shipped for payment or securing the payment of any Bill or Bills of Exchange, to be drawn for the payment of the said Goods Merchandizes or Servants, with intent to elude the benefit of this Act, or the same Goods Merchandizes or Servants shall transport out of this Province, shall be accepted reputed and taken for an unlawful Ingrosser and Regrater, and shall suffer such pains penalties and forfeitures hereafter expressed, any Law Statute Usage or Custom to the contrary hereof in any wise notwithstanding.

And Be It Enacted by the Authority aforesaid, That if any person or persons from and after the publication hereof offend in any of the things before recited, and being thereof duly convicted, by confession of the party, or the Oaths of two Witnesses before the Justices of the Provincial Court, or the Justices of the County Courts for the time being where the Offences were committed, shall for his her or their first Offence have or suffer Imprisonment for the space of two Months without Bail or Mainprize, and shall also loose and forfeit the value of the Goods Merchandizes or Servants so by him or them bought or had, and if any person or persons

persons Lawfully convicted or attainted as aforesaid, of or for the second Offence and be thereof Lawfully convicted or attainted as aforesaid, that then every person or persons so offending, shall have and suffer for his or their second Offence Imprisonment for the space of of one half Year without Bail or Mainprize, and shall loose the double value of all the Goods Merchandizes or Servants so by or them bought or had as aforesaid.

And Be It Further Enacted by the Authority aforesaid, That if any person or persons being Lawfully twice convicted or attainted as aforesaid, of or for the second Offence, and shall again offend the third time, and be thereof Lawfully convicted or attainted, that then every person for the third Offence shall be set in the Pillory in the City Town or in the full County where he shall then inhabit and dwell, and loose and forfeit all the Goods and Chattels he or they have to their own use, and also be committed to Prison there to remain during the term of one whole Year, the one moiety of all which Forfeitures to be to our Sovereign Lord and Lady the King and Queen for the Support of the Government of this Province, and the other moiety thereof to the Informer, or him or them that shall sue for the same by Bill Action of Debt, Plaint or Information in any Court of Record within this Province, wherein no Esloyn or Wager of Law is to be allowed.

Provided that this Act or any thing therein contained, shall not debar or be construed to debar or hinder any person or persons whatsoever within this Province by or out of any Goods or Merchandizes by him or them so bought or purchased as aforesaid, to satisfie and pay unto any Workman or Servant the hire or wages of him or them due for any work or service whatsoever.

An Act concerning Indians.

TO the End no breach of Peace may happen betwixt the Neighbouring Indians and the Inhabitants of this Province, **BE IT ENACTED** by the King and Queens Most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That any one whosoever shall take, intice surprize, transport, or cause to be transported, or sell and dispose of any Friend Indian or Indians whatsoever, or endeavour or attempt so to do, without Licence from the Governour for the time being, and all Accessory's therunto shall be fined and imprisoned at the Discretion of the Governour and Council for the time being, howbeit any one Informing or causing such Offender or Offenders to be apprehended, shall have Satisfaction for his pains and Indulgence therein as the Governour and Council shall think fit.

An Act Limiting the Extent of Attachments, and providing what shall be Leavied on Attachments and Executions.

FOR Settling the manner of Proceedings on Attachments and Limiting the Extent of them, and providing what shall be Leavied on Attachments and Executions.

BE IT ENACTED by the King and Queens Most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from henceforth no Attachment shall Issue out of any Court of this Province before a Writt or Summons be first made out, upon which Writt if the Party Defendant be an Inhabitant or Resident within this Province and the Sherriif shall return a *non est inventus*, one other Writt or Summons shall thereupon in manner aforesaid Issue forth against the said Defendant, and if the Sherriif shall upon the Second Writt or Summons return a *non est inventus* likewise, an Attachment shall and may thereupon in manner and form hereafter set down and be awarded, and in case any Writt or Summons shall Issue forth of any of their Majesty's Courts within this Province against any person or persons absent out of this Province, in such case, upon the return of a *non est inventus* by the Sherriif on such Writts or Summons, and the Party Plaintiff leaving with the Attorney of such absent Defendant (if he hath left an Attorney) a Copy of his Declaration or short Notes expressing the true cause of Action, or if he hath left no Attorney, then the Plaintiff leaving a Copy of the said Declaration or short Note expressing the true cause of Action at the House where the said Defendant absent did last reside or dwell, and making such proof of his Action at the said respective

Courts shall think fit. It shall and may be Lawful for the Justices of the said Courts to award an Attachment against the Goods, Chattels and Credits of the said absent Defendant so as aforesaid prosecuted and not appearing to the said Action, which are or shall be in the hands and possession of any person or persons whatsoever, yea even in the Plaintiffs own hands for the Defendants use in this Province, in which said Attachment there shall be a Clause commanding the Sherriif of the respective County's at the time of executing the said Attachment, to make known to each person & persons in whose hands and possession the said Goods Chattels and Credits so as aforesaid in their hands attached should not be condemned, and Execution thereof had and made as in other cases of Recovery's and Judgment given in Courts of Record, at which Day of Return of the said Attachment, if the said Defendant shall not then appear, nor the Garnishee in whose hands the aforesaid Goods Chattels and Credits of the Defendant were attached, to shew cause to the contrary, the respective Courts shall and may condemn the said Goods Chattels and Credits aforesaid, so as aforesaid attached and awarded; Execution thereof to be had and made, either by *Capias ad satisfaciendum fieri facias* or otherwise as in other Judgments, the said Plaintiff so prosecuting as aforesaid, giving good and sufficient Security before the Justices of each respective Court to and for the use of the said Defendant so as aforesaid, being not found within this Province or absent out of this Province as aforesaid, to make Restitution of the said Goods Chattels or Credits so as aforesaid condemned or the value thereof, if the Defendant so as aforesaid prosecuted, shall at any time within one Year and a Day to be accounted from the Day of the said Attachment awarded come in and either in Person, or by Attorney appear to the said Original Action against him, and make it appear that the said Plaintiff hath been, and is satisfied and paid the Debt or Demand in the said Action, or shall otherwise in Court discount or bar the said Plaintiff of the same or any part thereof, which said Condemnation and Execution of the said Goods Chattels or Credits of the said Defendant, in the Hands of the Garnishee or Garnishees as aforesaid had and made, shall be sufficient and pleadable in Barr, by the said Garnishee or Garnishees in any Action brought against him or them by the said Defendant for the same.

Provided always, that no Sherriif shall Leavy by way of Execution as aforesaid, against any the said Garnishee or Garnishees any more than the Plaintiffs Debt and Cost, nor against any Garnishee or Garnishees then what the said Plaintiff in the said Action shall make appear to the said respective Courts, to be of the said Goods Chattels and Credits of the said Defendant in the Hands of each respective Garnishee or Garnishees, together with such Cost onely as the Garnishee or Garnishees shall put the Plaintiff to, by denying himself to be indebted unto such Defendant and contesting the same. Provided also that no Sherriif in any County within this Province, shall by any Attachment or any other Execution had upon such Attachment, or any other Execution whatsoever, out of any Court of this Province Leavy, Seize or take the Goods and Chattels of any the Inhabitants within this Province, so far as to deprive them of all Livelyhood for the future, but that Corn for necessary Maintenance, Bedding, Gun, Ax, Pot and Labourers necessary Tools, and such like Household Impliments and Ammunition for Substistence shall be protected, from all Attachments and Executions whatsoever.

Provided also that such as shall be found by proof or other Circumstances, willfully to absent themselves into the Woods or elsewhere from the Sherriifs Sight, whereby they cannot be found to be brought to Tryal, and such also as shall be absent by Flight or Proscription out of this Province to be avered upon Oath shall have no benefit of any favourable Interpretation of this Law.

And Be it Enacted by the Authority aforesaid, That from henceforth any person or persons having obtained any Judgment in any Court of this Province, or that shall hereafter obtain any Judgment in any Court of this Province against any person or persons, It shall and may be Lawful to and for the said Plaintiff in the said Judgment at his Will and Pleasure, instead of any other Execution, without those previous Requisites as above in this Act prescribed and directed, to take out an Attachment against the Goods Chattels and Credits of the said Defendant in the said Judgment in the said Plaintiffs own Hands, or in the Hands of any other person or persons whatsoever; which said Attachment shall likewise have the Clause aforesaid, Commanding the Sherriif of the said County to whom it

for limiting the Extent of Attachments &c.

it shall be directed at the time of executing the said Attachment, to make known to each person or persons in whose Hands and Possessions the said Goods Chattels and Credits of the said absent Defendant shall be attached, that he be and appear at the Respective Courts at the Day of the Return of such Attachment, to shew cause (if they have any) why the said Goods Chattels and Credits so as above-said in their Hands attached should not be condemned, and Execution thereof had and made as in other Cases of Recoverys or Judgments given in Courts of Record, at which Day of the Return of the said Attachment, if the said Defendant shall not then appear, nor the said Garnishee, in whose Hands the said Goods Chattels and Credits of the said Defendant were attached, to shew sufficient cause to the contrary, the said Respective Courts shall and may Condemn the said Goods Chattels and Credits aforesaid so as aforesaid attached, and award Execution thereof to be had and made, either by *Capias ad satisfaciendum*, *feri facias* or otherwise, as the said Plaintiff might have had against the Defendant himself on the Judgment aforesaid provided as aforesaid, which said Condemnation & Execution of such Goods Chattels & Credits of the said Garnishee as aforesaid had & made, shall be sufficient & pleadable in Barr by the said Garnishee or Garnishees in any Action brought against him or them by the said Defendant for the same.

An Act Imposing a penalty on all such who shall dispose of Tobacco Seized and Received by the Sheriffs and others.

1692 ch. 58 - *As in more to the Kelly*

WHEREAS divers great Grievances have happened within this Province, through the many Cheats and Deceits that many have used in disposing and altering the marks and quality's of Tobacco after the said Tobacco hath been Seized and Received by the Sheriffs either for Fines or Leavies, or hath been paid away to Merchants or others and by them marked and Received, whereby the publick have been much abused and wronged, and many private persons have Received great Damages in the said Goods.

B E I T T H E R E F O R E E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That what Person soever shall dispose of any Tobacco or other Goods Seized on and Received by the Sherif for Fines or Leavy's or other publick Officers Fees, or that shall alter or scratch out the mark of any Tobacco so Received, or shall alter or change the quality of Tobacco so Received, or by any Merchant or others Received, either by uncaising or otherwise, without any Lawful Order or Warrant in Writing under the Hand of such Sherif who received the same, or of such Merchant or other Person who had received and marked the same, or for whose use the same was received and marked, shall be liable being Convicted by Confession or sufficient Witnesses in some Court of this Province to Restore four Fold to the party grieved, and stand in the Pillory two full Hours during the Court time, with his Offence fairly written in a piece of paper and placed upon his Back. Provided that no person shall be impleaded or prosecuted upon this Act after three Years from the time that the Fact shall be committed.

An Act for appointing Coroners in each Respective County.

1692 ch. 56 - *Kelly*

WHEREAS there has many Inconveniency's happened in this Province for want of appointing Coroners in each Respective County.

B E I T E N A C T E D by the King and Queens Most Excellent Majesties by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Governour for the time being do Constitute and appoint such person or persons from time to time to be Coroners, as he shall judge most able and best qualified for that Office in each respective County in this Province, And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Governour give out Commission to such persons, to the Intents and purposes aforesaid, and that the same as near as may be, concur with the Laws and Constitution of *England*. And that an Oath be Administered to every such Coroner by appointment of the Governour of their entring into the said Office according to the form of the Oath of a Coroner in *England*.

recessed 1692
BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Justices of Peace in every County at the first County Court, held after *Michaelmas* shall nominate and appoint some Inhabitant in every Hundred or Precinct, who shall execute all Precepts or Warrants to him directed, and shall in all things have the like power within the said Hundred or Precinct as any Constable hath or ought to have in a Hundred or Precinct in England, by the Law or Custom of England; and the said Constable shall take the Oath mentioned in an Act made in the first Year of their said Majesty's Reign intituled *an Act for abrogating the Oaths of Supremacy and Allegiance* in manner and form following. "You shall Swear you will well and truly Serve our Sovereign Lord and Lady King *William* and Queen *Mary* in the Office of a Constable, you shall see and cause that their Majesty's Peace be well and duly kept according to your power, you shall arrest all such persons as in your presence shall commit any Rior, Fray, or other breach of their Majesty's Peace, you shall do your best endeavour upon complaint to you made to seize all Felons, Barretors, Rioters, or persons riotously assembled, and if any such Offender shall make any Resistance with Force, you shall Leavy Hue and Cry and pursue them until they be taken, you shall do your best endeavour that Hue and Cry be duly raised and pursued against murderers, thieves, and other felons & fugitive servants, & the Laws & Orders against vagabonds & such other idle persons coming within your limits be duly put in execution, at your County Courts coming you shall present all Offences done against the several Acts made for the suppressing of Drunkenness, and also true presentment make of all Bloodsheds, Affrays, Outeries, Reivues and other Offences committed against their Majesty's Peace within your Limits, you shall well and truly execute all Precepts and Warrants to you directed from the Justice of Peace of this County or higher Officer, and you shall well and truly according to your knowledge power and ability do and execute all things belonging to the Office of a Constable so long as you shall continue in this Office, So help you God. And if the person so nominated & appointed shall refuse to serve in the said Office by himself or his Deputy, or take the Oaths when tendered to him by the Justices of Peace as aforesaid, shall forfeit the sum of five hundred pounds of Tobacco one moiety thereof to their Majesty's their heirs and Successors, for and towards the Support of this Government, and the other moiety to the Church Wardens of the Parish in which he shall dwell or reside, to be recovered by Bill Plaint or Information wherein no Essoyn Protection or Wager of Law shall be allowed, or suffer two Months Imprisonment without Bail or Mainprize.

Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that all persons whatsoever that shall hereafter be nominated or appointed to be Justices of the Peace, Sheriffs or Coroners within this Province, by his Excellency the Captain General or Governour in Chief for the time being, that refuses to execute the Office of Justice of Peace Sheriff or Coroner within this Province, or to take the Oaths aforementioned in the Act of Parliament aforesaid made, and the Oaths of Justice of the Peace Sheriff or Coroner shall forfeit to our Sovereign Lord and Lady the King and Queen their Heirs and Successors 1000 £ Tobacco for the uses aforesaid, to be recovered as aforesaid or four Months Imprisonment without Bail or Mainprize.

And Be It Further Enacted by the Authority aforesaid, that whosoever shall be Summoned by Writ out of any Court of Justice of this Province to serve as a Juror in any Tryal in any Court within this Province and refuse to serve in any Cause depending whether Criminal or Civil (not being by any other Office exempted) and thereunto Lawfully required, shall forfeit to their said Majesty's their Heirs and Successors the Sum of five hundred pounds of Tobacco for the uses aforesaid, to be recovered as aforesaid, or two Months Imprisonment without Bail or Mainprize.

And Be It Further Enacted by the Authority aforesaid, that whosoever being by Writ Lawfully Summoned and thereby required to serve as a Witness in this Province, and shall refuse to testify upon Oath in any case depending whether Criminal or Civil, shall forfeit to our Sovereign Lord and Lady the King and Queen

Queen their Heirs and Successors the Sum of five hundred pounds of Tobacco for the uses aforesaid, to be recovered in manner as aforesaid, or suffer two Months Imprisonment without Bail or Mainprize. Provided this Clause shall not extend to People called Quakers.

Provided that this Act nor any thing therein contained shall not extend or be interpreted to extend to the prejudice of any the Lords of Mannors within this Province, in their priviledges of appoinning Constables within their respective Mannors.

Provided that if any person dissenting from the Church of England shall hereafter be chosen or otherwise appointed to bear the Office of high Constable Church-Warden or Overseer of the poor or any other Parochial or Ward Office and such person shall scruple to take upon him any the said Offices in Regard of the Oaths or any other matter or thing required by the Law to be taken and done in respect of such Office, every such person shall and may execute such Office or Employment by his sufficient Deputy by him to be provided that shall comply with the Laws on this behalf. Provided always that the said Deputy be allowed and approved of by such person or persons in such manner as such Officer or Officers respectively should by Law have allowed and approved.

Provided nevertheless, that it shall be lawful for any Justice of the Peace or other Magistrate Lawfully Authorized to commit and punish such person or persons as shall refuse to take the Oaths mentioned in the said Acts of Parliament according to the appointment thereof, the same Oaths being rendered unto him or them in such manner as the said Act directs and appoints, any thing herein contained to the contrary thereof in any wise notwithstanding.

An Act for punishment of Persons suborning of Witnesses, or committing wilful and Corrupt Perjury.

In Killybegh the 14th day of May 1692

WHEREAS several Persons void of Grace and the Dread of the Almighty have and do still continue for small profits accrewing to themselves to commit wilful and corrupt Perjury, or cause or procure the same to be committed, either out of a design for the reasons and purposes aforesaid, or merely to revenge an imaginary Injury done them to the great prejudice of divers of their Majesty's Loyal Subjects inhabiting within this Province, and forasmuch as the Laws of this Province heretofore made for the prevention of the like mischiefs and inconveniencies have upon a mature and deliberate Consideration by this present General Assembly been found altogether inconsistent with the Constitution of this Province, or the Laws of England in such cases made and provided.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That if any person or persons whatsoever from and after the publication hereof shall unlawfully or corruptly procure any Witness or Witnesses by Letters, Rewards, Promises or by any other sinister unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury in any matter or cause whatsoever now depending, or which hereafter shall depend in Suit and Variance by any Writ, Action, Bill, Complaint or Information in any wise touching or concerning any Lands Tenements Hereditaments or any Goods, Chattels, Debt or Damages in any of the Courts of Record within this Province, or that shall unlawfully and corruptly procure or suborn any Witness or Witnesses from and after the publication aforesaid, to be Sworn to testify in perpetuum Rei Memoriam, that then every such Offender or Offenders being thereof Lawfully Convicted or Attainted lose and forfeit the Sum of forty pounds Sterling, and if it happen any such Offender or Offenders being Convicted or Attainted as aforesaid, shall not have Goods or Chattels Lands or Tenements to the value of forty pounds as aforesaid, then every such person or persons so being Convicted or Attainted as aforesaid, shall for his or their said Offence suffer Imprisonment for and during the space of one whole Year without Bail or Mainprize, and stand upon the Pillory for the space of one full Hour at the Pillory next adjoining to the place where he she or they shall be Convicted as aforesaid.

And Be It Further Enacted by the Authority aforesaid, That no person or persons being Convicted or Attaint as aforesaid, shall be from thenceforth received

asa Witness to be deposed and Sworn in any Court of Record within this Province, until such time as the Judgment given against such Person or persons be Reversed by Attaint or otherwise, and that upon every such Reversal the parties grieved to recover his her or their Damages against all and every such person or persons as did procure the said Judgment so Reversed, to be given against them or any of them by Action or Actions upon his her or their Case or Cases according to the common Course or Courses of the Laws of this Province.

And Be It Further Enacted by the Authority aforesaid, that if any person or persons, after publication hereof, either by subornation, unlawful procurement, sinister perswasion or means of any other, or by their own Act, Consent, or Agreement wilfully and corruptly commit any manner of wilful Perjury by their Deposition in any Court of Record within this Province as aforesaid, or being examined in *perpetuam Rei Memoriam*, that then every person or persons so offending and being thereof duly convicted or attainted by the Laws of this Province, shall for his or their Offence loose and forfeit twenty pounds Sterling, and suffer Imprisonment the space of six Months without Bail or Mainprize; and the Oaths of any such person or persons so offending from thenceforth not to be received in any Court of Record within this Province, until such time as the Judgment against any such person or persons shall be Reversed by Attaint or otherwise as aforesaid, and that upon every such Reversal, the party's grieved to recover their Damages as aforesaid, and if it happen that the said Offender or Offenders so offending, shall not have Goods and Chattels to the value of twenty pounds, then he she or they shall be set on the Pillory next adjoyning to the place where he she or they shall be convicted as aforesaid, and to have both Ears nailed, and be from thenceforth to be discredited and disabled for ever to be Sworn in any the Courts of Records aforesaid until such time as the said Judgment be Reversed, upon which he she or they shall recover his her or their Damages in manner and form as is before mentioned, the one moiety of all the said fines & forfeitures to be to our Sovereign Lord and Lady the King and Queen for the Support of Government, and the other moiety to such person or persons as shall be grieved hindered or molested, by reason of any the Offence or Offences before mentioned that will Sue for the same by Action of Debt, Bill, Plaint or Information or otherwise, in any Court of Record within this Province, wherein no Essoyn Protection or Wager of Law shall be allowed.

And Be It Further Enacted by the Authority aforesaid, That if any person or persons upon whom any Process out of any the Courts of Record within this Province shall be served to testify or depose concerning any Cause or Matter depending in any of the same Courts relating to the premisses, and having tendered unto him or them according to their Estate or Calling such reasonable Sum of Money or Tobacco for his and their Cost and Charges, as having Regard to the distance of the place in that behalf is necessary to be allowed, do not appear according to the Tenor of the said Process having not a lawful reasonable Lett or Impediment to the contrary, that then the party or party's so making default shall forfeit and loose for every such Offence ten pounds Sterling, and to yield to the party grieved such further Recompence as by the direction of the Judge of that Court out of which the said Process shall be awarded, according to the Loss and Hinderance that the party which procured the said Process shall sustain by reason of the non appearance of the said Witness or Witnesses the said several Sums to be recovered by the party so grieved against the Offender or Offenders by Action of Debt Bill Plaint or Information in any of their Majesty's Courts of Record in this Province, wherein no Essoyn Protection or wager of Law to be allowed.

An Act for Settlement of an Annual Revenue upon their Majesty's Governour within this Province for the time being.

WHEREAS by an Act of Assembly formerly made Entituled *An Act for providing a Support for the Lord Proprietary of this Province, and likewise a Supply for defraying the publick Charges of the Government*, it was by the said Act published and declared that from and after the first Day of September then next ensuing there should be Raised, Levied, Collected and paid to the said Lord Proprietary the Sum of two Shillings Sterling for every Hoghead or quantity of a Hoghead

Hogshead of Tobacco which should be at any time hereafter Shipped in any Ship or Vessel to be Exported out of this Province, on Condition that his said Lordship should Receive his Rents and Fines for Alienation of Lands in good Sound Merchantable Tobacco when tendered at the Rate of two pence *per* pound for one moiety of of the said Imposition, the other moiety by the said Act raised to be employed towards the maintaining a constant Magazine, and defraying other publick & necessary charges of the Government, and whereas the Free Men of this Province now Assembled, upon strict Scrutiny made into the premisses, do finde his said Lordship hath not onely been very deficient, and at small Charges and Expences in maintaining a Magazine as aforesaid, but that this Province hath been obliged to defray all publick Charges arising for the Support of Government, by way of an Equal Assessment upon the Inhabitants thereof, the several Proviso's in the afore recited Act to the contrary notwithstanding. And whereas also his said Lordship the aforesaid moiety of two Shillings *per* Hogshead under pretext of maintaining a Magazine as aforesaid, hath hitherto converted the same to his own use, to the impoverishing of the Country and defraud of the publick, and being now incapacitated of complying with what by the said Act for the said moiety of two Shillings *per* Hogshead is required.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the said one Shilling *per* hogshead for the defraying the charges of Government aforesaid, commencing from this present Shipping as well for such Ships or Vessels as have already cleared before the making of this Act, as for such remaining in this Province, be Raised, Levied, Collected and paid unto our Sovereign Lord and Lady the King and Queens most Excellent Majesty's their Heirs and Successors for the Support of their Government for the time being in and over this their Majesty's Province aforesaid, & the Territories to the same belonging, for every Hogshead and quantity of an Hogshead of Tobacco which hath been for and during the time aforesaid, or which hereafter shall be at any time Shipped in any Ship or Vessel to be exported out of this Province, or any the Territory's, Islands, Ports, Rivers, Creeks, or Places thereunto belonging as aforesaid.

And Be It Further Enacted by the Authority aforesaid, by & with the Advice & Consent aforesaid, that the said duty & Imposition shall be from time to time paid & satisfied by the Master or Masters of every such Ship or Vessel respectively, in which any such Tobacco shall be exported upon his or their Clearing, and taking out his or their dispatch or dispatches for every such respective Ship or Vessel and before the departure of such Ship or Vessel coming into this Province, shall at their first Arrival here and before their loading on Board any Goods or Commodities, of the Growth, Production or Manufacture of this Province, give good and sufficient Security to his Excellency, or to the Officer thereunto especially appointed for the payment of the said Duty or Imposition accordingly.

Provided always, and it is the true Intent and meaning hereof, that this Act nor any thing herein contained shall be adjudged, construed, reputed, or taken any thing herein expressed to the contrary notwithstanding, to disanul or make void his Lordships Right to the other moiety of the said two Shillings *per* Hogshead, to be paid in consideration of his Rents and Alienation Money, in Tobacco at two pence *per* pound during the term of his Natural Life; (but that the same be kept and hereby preserved to his Lordship in as full and ample manner as by the said Law is expressed or intended) or in the least to discharge his Lordship of Receiving the Rents aforesaid at two pence *per* pound as by the said Act is enjoyn'd during also the term of his Natural Life, nor to discharge his Lordship from accounting for the Arrears of the one Shilling *per* Hogshead for Supporting the Government, and finding Arms and Ammunition; but that he be obliged to all the aforesaid matters and things as fully and strongly as if the said Law were in full Force.

And Be It Further Enacted by the Authority aforesaid, That every Master of a Ship or Vessel as aforesaid, at the time of his clearing shall upon Oath declare the quality and quantity of his Loading, and that the Naval Officer by the Governour aforesaid appointed for the time being shall and is hereby impowred to Administer the said Oath, and in case the said Master shall refuse the said Oath, or upon

Suspicion of having Goods on Board for which he hath not cleared,, It shall be Lawful for the said Naval Officer to Enter on Board any such Ship or Vessel, and the same to Search for any such, Goods as aforesaid, any thing in this Act before mentioned notwithstanding.

An Act for the preservation of several Harbours within this Province.

WHEREAS divers persons as well the Inhabitants of this Province as Foreigners hitherto trading in Ships of great Burthen, as also in other small Vessels have notwithstanding Laws formerly Enacted against the unloading of Ballast in the Creeks or Harbours where they usually Ride within this Province, in contempt of the said Laws, or by pleading Ignorance of them, notwithstanding the Secretary's of this Province were by the said Act obliged for the time ensuing the publication thereof to deliver unto every respective Master a Copy of the said Law for such a Reward as by the said Law was limited and allowed, Annually unloaded and cast out their Ballast in such Creeks and Harbours where they usually Ride to take in their Loading, to the great damage of the chiefest and most eminent Harbours within this Province, by reason of so great number of Ships as yearly in them do Reside, for prevention whereof for the future,

B E I T E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication of this Act no person or persons whatsoever, whether Inhabitant or Foreigner here Trading in Ships or Vessels of greater or lesser Burthen having a Deck, shall unload or cast out of their said Ships or Vessels any kind of Ballast into the Harbours or Creeks where they usually Ride; and do not lay it to the Shoar, and lay it above high water mark, shall for every such default forfeit and pay two thousand pounds of Tobacco, the one half to our Sovereign Lord and Lady the King and Queen to be employed for the Support of Government, and the other moiety to him or them that shall Sue for the same, to be Recovered by Action of Debt, or Information wherein no Essoyn Protection or Wager of Law to be allowed.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every respective Naval Officer within this Province, or Collector for the time being, or that hereafter shall be, during the continuance of this Act, shall be obliged at their own proper Costs, to take out a Copy of this Act from the Office where the Original Transcript of the Body of the Laws shall be kept Signed by the Keeper of the said Laws, and the same affix at their respective Office Doors, to the End all Commanders and Masters of Ships or other Vessels Decked as aforesaid may have due Cognizance thereof on forfeiture of two thousand pounds of Tobacco, the one half to our Sovereign Lord and Lady the King and Queen to be employed for the use intent and purpose aforesaid, the other half to the Informer, to be Recovered as aforesaid, any thing in the former Act to the contrary notwithstanding.

An Act for settling a Standard with English Weights and Measures in the Several and Respective Counties within this Province.

WHEREAS daily Experience shews that much Fraud and Deceit is practiced in this Province of Maryland, by false Weights and Measures for prevention whereof for the future,

B E I T E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That no Inhabitant or Trader hither, shall buy or sell or otherwise make use of in Trading any other Weights and Measures then are used and made according to the Statute of Henry the VII. King of England in that case made and Provided, and for discovery of abuses of this nature, Be It Enacted that the Justices of the several County Courts shall from time to time, & as often as need shall require appoint some able or discreet Person in their County living & residing convenient for the County to take care of, look after, & preserve the standard weights & Measures that at present are remaining in their respective County's, which persons so by the Justices appointed, are hereby required within twelve Months after the

the publication of this Law at furthest to provide all such Weights and Measures as are wanting, according to the direction of a former Law of this Province, Intituled *An Act for the providing of a Standard with English Weights and Measures in the severall and respective County's within this Province*, So that the same do contain in each County twelve half hundred Weights, a quarter, a half quarter of an hundred, a seven pound weight, four pound, two pound, and one pound, together with six Stamps for the marking and stamping of Stilliards and Weights the said severall Stamps to be marked according to the direction of the abovesaid Act, and Cecil County to be marked with the Letter K. and also Brass measure of Ell and Yard to be Scaled in England, and likewise a Sealed Bushe l, half Bushel, Peck, and Gallon of Winchester measure, with a Gallon, Pottle, Quart, Pinte and half a Pinte of Wine measure, with three burnt Stamps for the wooden measures and three other Stamps for the Pewter measure, such person or persons so appointed, and procuring the same or what is wanting to make good the severall Standards aforesaid, to be allowed and paid their charges and disbursements in the County Levy for the same, to which Standard all persons whether Inhabitants or Foreigners, are to repair and bring their Stilliards with which they receive Tobacco yearly, and in every year to be tryed stamped and numbred, for which they are to pay to such person keeping the Standard aforesaid two Shillings for every time such Stilliards shall be tryed and stamped as aforesaid, and every person or persons shall have their Barrels which are to contain five Bushels at least, together with their Bushel, half Bushel, Peck, Gallon, Pottle, Quart and Pinte if they make use of the same or any of them in buying or selling by, shall likewise have them tryed and stamped at the Standard aforesaid, for which they shall pay for the Barrel one Shilling, and for all other measures six pence a piece, under the penalty of one thousand pounds of Tobacco to any person refusing or neglecting the yearly trying and stamping of his Stilliards as aforesaid, and the Sum of five hundred pounds of Tobacco to any person selling by any of the measures aforesaid refusing or neglecting to have them tryed and stamped as aforesaid, the one half of which Forfeitures to be to the use of the poor of the Parish in which the Offender shall dwell or reside, the other half to the Informer or Informers to be recovered in any Court of Record within this Province &c. And if any person or persons shall refuse to pay any Tobacco by such Stilliards tryed and stamped as aforesaid, and shall thereby compel the Owner of the same to have them tryed over again within the year, if the Stilliards are true, such person so refusing or compelling as aforesaid, shall pay for the trying the same, but if not the Owner of the Stilliards to pay for the same, and if any person or persons having the keeping of such Standard as aforesaid shall neglect or refuse to supply the defects of the same, as is before exprest, and also to provide a Standard where there is none, such persons so neglecting and refusing shall be fined two thousand pounds of Tobacco to the uses aforesaid, and be recovered as aforesaid &c.

An Act against Excessive Usury.

BE It Enacted by the King & Queens most Excellent Majesty's by & with the Advice & consent of this present general Assembly & the Authority of the same, that no person or persons whatsoever within this Province, whether Inhabitant or Foreigner, upon any contract, shall from & after the end of this present Session of Assembly, take exact directly or indirectly for Loane of any Mony, Wares, Merchandizes or other Commodity's whatsoever, to be paid in Mony above the value of Six Pounds for the forbearance of one Hundred Pounds for one Year, and so after that rate for a greater or lesser Sum, or for a longer or shorter time, nor shall any person or persons whatsoever within this Province as aforesaid, from and after the time aforesaid, take directly or indirectly for Loane of any Tobacco's Wares, Merchandizes or other Commodity's for one Year, to be paid in Tobacco, or other Commodity's of this Province, above the value of eight pounds of Tobacco for the forbearance of one hundred pounds of Tobacco, and after that rate for a greater or lesser Sum, or for a longer or shorter time. And that all Bonds, Contracts, and Assurances whatsoever made after the time aforesaid, for payment of any principal Mony or Tobacco, Goods or Commodity's aforesaid, to be lent or covenanted to be performed, upon or for any Usury; whereupon, or whereby

there shall be reserved above the rate of six pounds in the hundred for Mony as aforesaid, & above eight pounds in the hundred for Tobacco or other Goods and Commodity's as aforesaid shall be utterly void, & that all and every person & persons whatsoever which after the time aforesaid, shall upon any Contract to be made, take, accept and receive by ways or means of any corrupt Bargain, Loan, Exchange, Chievezance, Shift or Interest of any Wares, Merchandizes, or other thing or things whatsoever, or by any deceitful ways or means, or by any Covin Engine or deceitful Conveyance for the forbearance, or giving day of payment for one whole Year, of and for their Mony, Tobacco, Goods or Commodity's aforesaid, above the Sum of Mony or quantity of Tobacco aforesaid, for the forbearance aforesaid, shall forfeit and loose for every such Offence the treble value of the Mony, Tobacco, Wares, Merchandizes and other things, so lent, bargained, sold, exchanged and shifted as aforesaid, the one half of the said Fine and Forfeiture to our Sovereign Lord and Lady the King and Queen their Heirs and Successors for the Support of this Government, the other half to him or them that shall sue for the same, to be Recovered in any Court of Record of this Province, by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

An Act directing the manner of Electing and Summoning Delegates and Representatives to Serve in Succeeding Assembly's.

now Law 1704. c. 29

FORASMUCH as the Chiefest and onely Foundation and Support of any Kingdom, State or Common-Wealth is the Providing, Enacting, and Establishing good and wholsom Laws for the well Ruling and Government thereof, and also upon any necessary and emergent Occasions to Raise and Leavy Mony for the defraying the Charges of the said Government and Defence thereof, neither of which according to the Constitution of this Province can be made, ordained, established or raised, but by and with the Consent of the Free Men of this Province, by their several Delegates and Representatives by them freely nominated chosen and elected to serve for their several City's and County's in a General Assembly: And forasmuch as the safest and best Rule for this Province to follow in electing such Delegates and Representatives, is the Presidents of proceeding in Parliament in *England* as near as the Constitution of this Province will admit, the Governour, Council, and Delegates of this present General Assembly do humbly pray that it may be Enacted,

And **B E I T E N A C T E D** by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and by the Authority of the same, That for the future, when and as often as his Excellency the Governour of this Province for the time being shall upon any Accident and urgent Affair of this Province think fit and convenient to call and convene an Assembly, and to send Writts for Election of Burgeses and Delegates to serve in such Assembly, the Form of the said Writt shall be as followeth.

William and Mary by the Grace of God of England Scotland France and Ireland King and Queen Defenders of the Faith &c. To the Sherriof of County greeting, These are to Authorize and Impower you immediately upon Receipt hereof, to call together four or more Comissioners of your County, with the Clerk, who are hereby required to Sit as a Court, and during their Sitting, by Vertue of your Office to make or cause to be made publick Proclamation, thereby giving notice to all the Freemen of your said County, who have within your said County a Freehold of fifty Acres of Land, or a visible Estate of forty pounds Sterling at the least, requiring them to appear at the next County Court to be holden for your County at a certain day within a reasonable time after such Proclamation made for Electing and Choosing of Depury's and Delegates to serve in your County in a general Assembly, to be holden at the City of St. Mary's the day of at which time of Proclamation aforesaid, the said Freemen so required to appear, or the major part of such of them as shall then appear, shall and may and are hereby Authorized and Required to Elect & Choose four several and sufficient Freemen of your County, each of them having a Freehold of fifty Acres of Land, or visible Estate of forty pounds Sterling at the least within your County; and you shall give to each of them severally

rally

‘rally and respectively, by four several and respective Indentures under their
‘Hands and Seals to be Deputy’s and Delegates for your County at the said next
‘General Assembly, to do and consent to those things, which then by the Favour
‘of God shall happen to be Ordained by the Advice and Consent of the great
‘Council of this Province, concerning such Occasions and Affairs as shall Relate
‘to the Government, State and Defence of this Province. But we will not in any
‘case that you, or any other Sherrif in our said Province be Elected, which said
‘Indentures shall be between you the said Sherrif of the one part, and the said
‘Freemen Electing on the other part, and shall bear date the same Day upon
‘which the said Election shall be made, and that upon such Election, you the
‘Sherrif shall so soon as conveniently may be, Certifie and Transmit to the Chan-
‘cellor of this Province for the time being one part of the said several and respect-
‘ive Indentures, close Sealed up under your Hand and Seal, and directed to the
‘Governour of this Province, and also to the Chancellor; and the other part of
‘the said Indentures you are to keep for your Justification. Witness *Lyonel Copley*
‘Esq: Capt: General and Chief Governour of this Province &c.

And Be It Further Enacted by the Authority aforesaid, That two Citizens to
Serve in the said Assembly for the City of *St. Marys*, to be Nominated, Elected,
Chosen and Appointed by the Mayor, Recorder, Aldermen and Common Council
as heretofore hath been usual.

And Be It Further Enacted by the Authority aforesaid, That the aforesaid four
Delegates to be Elected in the Respective County’s within this Province, & the 2
Cityzens of the City of *St. Marys*, be and are hereby bound and obliged to at-
tend the time and place of the meeting of such Assembly without any further Writ
or Summons to be to them sent, under the penalty of such Fines as shall be by the
House of Assembly impos’d upon them, unless upon sufficient Excuse to be ad-
mitted by the said House of Assembly their Absence to be dispenced withall, any
Law Statute Usage or Custom to the contrary notwithstanding.

And Be It also Enacted by the Authority aforesaid, That any Sherrif that shall
Refuse and Neglect to make Return of the Delegates so Elected by Indenture as
aforesaid, before the Day of Sitting of such Assembly, or that shall make any un-
due or illegal Returns of such Elections, shall for every Fault be fined one thou-
sand pounds Sterling, the one half for their Majesty’s for the Support of the Go-
vernment, and the other half to the Informer, or him or them that shall Sue for
the same, to be Recovered in any Court of Record in this Province, wherein no
Effoyn Protection or Wager of Law to be allowed.

Provided nevertheless, That this Act or any thing herein contained shall not
Extend to be Construed to Exclude any County or County’s, City or City’s Bur-
rough or Burroughs hereafter by their Majesty’s their Heirs or Successors to be
Elected and made within this Province, from the Liberty of such Elections of De-
legates and Representatives as is before Express; But that such Writ as aforesaid
shall upon calling every General Assembly for this Province for the future, to the
Sherrif of every such County when the same shall be erected and made into a
County as aforesaid, And to the Mayor Recorder and Aldermen of every such
City or Burrough Commanding of such Sherrif or Mayor Recorder and Aldermen
to cause four Freemen of the said County, and two Freemen of the said City or
Burrough qualified as in the said Writ is exprest, to Serve as Delegates and Re-
presentatives of the same County City or Burrough in the General Assembly
then next ensuing, which said four Delegates for every such County, and two for
the City and Burrough shall from henceforth be Reputed and Esteemed to be
Members of the House of the General Assembly of this Province, any thing in
this Act to the contrary in any wise notwithstanding.

Provided also that no Ordinary Keeper within this Province during the term
of his keeping Ordinary, shall be Elected, Chosen, or Serve as a Deputy or Re-
presentative in the said general Assembly, so to be hereafter Called, Convened and
appointed as aforesaid.

An Act of Repeal of all Laws heretofore made in this Province, and Confirming all Laws made this General Assembly.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Laws heretofore made within this Province be, and for ever hereby stand Repealed, Annulled and Void, and that all Laws now made and assented to this present General Assembly (and no other) be and remain in full Force and Power, according to the true Intent and Meaning thereof; And that the same be accounted and esteemed as the Body of the Laws of this Province, and no other heretofore made.

Provided always, That this Law shall not Extend, or be Construed to make void any persons Right by Acts of Naturalization, or any private Acts heretofore made relating to any private persons, but that the same be hereby kept and preserved to the according to the true Intent and Meaning thereof, any thing herein to the contrary notwithstanding.

An Act for quieting of Possessions.

FORASMUCH as a good and beneficial Law Intituled *An Act for quieting of Possessions*, was made the seven and twentieth Day of March Anno Domini 1671. in this Province, which by the use thereof hath been found very much conducing to the Benefit of the people of the said Province.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Sales, Gifts and Grants at any time before the said XXVII Day of March Anno Domini 1671. and not after, of any Lands Tenements or Hereditaments within this Province, by any person or Persons whatsoever, that Right had to Sell, give or grant such Lands Tenements or Hereditaments made by Writing onely, with or without Seal, shall for ever hereafter be accounted good and valuable in Law, to barr the Heirs or Executors of such Vendors, Donors or Grantors any Error in the Form onely of such Writing to the contrary notwithstanding. And forasmuch as divers Assignments of Patents written on the back side of such Patent for Land are now worn out, and also many other Sales in Paper either worn out, or quite lost, for which the purchase Money hath been bona Fide paid.

Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Sales, Gifts or Grants at any time before the Day and Year aforesaid, made by persons that Right had as aforesaid, if either the Sale, Gift, Grant or Payment bona Fide can be proved by Witness, such Sale shall for ever hereafter be accounted good and available in Law to barr the Heirs and Executors of such Vendors, Donors, or Grantors, or either persons claiming Dowry from such Vendor, Donor or Grantor; any Law Usage or Custom to the contrary hereof notwithstanding.

An Act prohibiting Commissioners, Sheriffs, Clerks, and deputy Clerks to plead as Attorneys in their Respective County Courts.

WHEREAS many Inconveniency's have happened to divers persons within this Province, by means of Commissioners, Sheriffs, and Clerks pleading as Attorneys in their Respective Courts wherein they bear Office, for prevention whereof for the future.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication of this Act no Commissioner, Sheriff, or deputy Sheriff, Clerk or deputy Clerk of those Courts wherein they bear Office, shall plead as Attorney for or in behalf of any person or persons at that time residing or being within this Province upon the penalty of three thousand pounds of Tobacco, the one half thereof to their said Majesty's for the Support of Government, the other moiety to the Informer, or him or them that shall Sue for the same, to be recovered in any Court or Courts of Record within this Province, by Bill Plaint or Information, wherein no Effoyne Protection or Wager of Law to be allowed.

An

WHEREAS several Masters of Ships, Merchants, Sailors and others, have
ing used to import into this Province several Notorious Felons and Male-
factors which in several of their Majesty's Courts have been convicted of Crimes
and Felony's as-aforesaid, and afterwards procured by Masters of Ships, Mer-
chants, Sailors and others out of the Common Goal to Import into this Province,
and here to sell and dispose of such Felons and Malefactors as Servants, to the
great prejudice and grievance of the good people of this Province, for prevention
whereof for the future,

And it is further Enacted by and with the Advice and Consent aforesaid, **That** no Master of a Ship, Merchant, Sailor, or any pother erson or persons whatsoever, shall presume to import into this Province any such Convicted Felons or Malefactors whatsoever, to sell, pay, give, or in any other manner to dispose of, either to their own Plantations (if any they have) or to any Inhabitant in this Province whatsoever.

Provisional

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, that for the future St. Marys, Baltimore and Dorchester County Courts shall be held the first Tuesday in September, November, January, March June for the Orphans, and the 1st Tuesday in August. For Ann Arundel, Charles, Somerset and Cecil County's, the second Tuesday in September, November, January, March June for the Orphans, and the 2^d Tuesday in August. For Calvert and Talbot County's, the third Tuesday in September, November, January March June for the Orphans, and the third Tuesday in August. For Kent County the fourth Tuesday in September, November, January, March June for the Orphans, and the fourth Tuesday in August.

1862. Tuesday, Public Day, a Sabbath yet —
 Mary's, Bathman. Overlook Ann. Grandel Charles
 Somerset & Cecil. Robert & Kent.

An Act of Repeal of all Laws heretofore made in this Province, and Confirming all Laws made this General Assembly.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Laws heretofore made within this Province be, and for ever hereby stand Repealed, Annulled and Void, and that all Laws now made and assented to this present General Assembly (and no other) be and remain in full Force and Power, according to the true Intent and Meaning thereof; And that the same be accounted and esteemed as the Body of the Laws of this Province, and no other heretofore made.

Provided always, That this Law shall not Extend, or be Construed to make void any persons Right by Acts of Naturalization, or any private Acts heretofore made relating to any private persons, but that the same be hereby kept and preserved to the according to the true Intent and Meaning thereof, any thing herein to the contrary notwithstanding.

An Act for quieting of Possessions.

FORASMUCH as a good and beneficial Law Intituled *An Act for quieting of Possessions*, was made the seven and twentieth Day of March Anno Domini 1671. in this Province, which by the use thereof hath been found very much conducing to the Benefit of the people of the said Province.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all Sales, Gifts and Grants at any time before the said XXVII Day of March Anno Domini 1671. and now after, of any Lands Tenements or Hereditaments within this Province, by any person or persons whatsoever, that Right had to Sell, give or grant such Lands Tenements or Hereditaments made by Writing onely, with or without Seal, shall for ever hereafter be accounted good and valuable in Law, to barr the Heirs or Executors of such Vendors, Donors or Grantors any Error in the Form onely of such Writing to the contrary notwithstanding. And forasmuch as divers Assignments of Patents written on the back side of such Patent for Land are now worn out, and also many other Sales in Paper either worn out, or quite lost, for which the purchase Money hath been bona Fide paid.

Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Sales, Gifts or Grants at any time before the Day and Year aforesaid, made by persons that Right had as aforesaid, if either the Sale, Gift, Grant or Payment bona Fide can be proved by Witnesses, such Sale shall for ever hereafter be accounted good and available in Law to barr the Heirs and Executors of such Vendors, Donors, or Grantors, or other persons claiming Dowry from such Vendor, Donor or Grantor: any Law Usage or Custom to the contrary hereof notwithstanding.

An Act prohibiting Commissioners, Sheriffs, Clerks, and deputy Clerks to plead as Attorneys in their Respective County Courts.

WHEREAS many Inconveniencies have happened to divers persons within this Province, by means of Commissioners, Sheriffs, and Clerks pleading as Attorneys in their Respective Courts wherein they bear Office, for prevention whereof for the future.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication of this Act no Commissioner, Sheriff, or deputy Sheriff, Clerk or deputy Clerk of those Courts wherein they bear Office, shall plead as Attorney for or in behalf of any person or persons at that time residing or being within this Province upon the penalty of three thousand pounds of Tobacco, the one half thereof to their said Majesty's for the Support of Government, the other moiety to the Informer, or him or them that shall Sue for the same, to be recovered in any Court or Courts of Record within this Province, by Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

An

WHEREAS several Masters of Ships, Merchants, Sailors and others have used to import into this Province several Convicted Felons and Malefactors which in several of their Majesty's Courts have been convicted of Crimes and Felonies as aforesaid; and afterwards procured by Masters of Ships, Merchants, Sailors and others out of the Common Goal to be imported into this Province, and here to sell and dispose of such Felons and Malefactors as Servants, to the great prejudice and grievance of the good people of this Province, for prevention whereof for the future

B E I T E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication hereof, every Office and Place where Ships and Vessels shall be appointed to be Entered and Cleared, the Clerk of such Office, or persons appointed for the Clearing and Entering of Ships and Vessels shall administer an Oath to every Master of a Ship when he comes to Enter, That he shall declare whether any Servant on Board his Ship be Felons Convicted as aforesaid, and if so shall appear by his Oath that they are such, then the said Officer shall take good Security of the said Master, not to sell or suffer the same to be sold, given or otherwise disposed of in this Province, but shall transport them and every of them out of this Province, before he or his said Ship shall depart out of this Province, or in his own Ship when the same departs this Province.

And It is further Enacted by and with the Advice and Consent aforesaid, That no Master of a Ship, Merchant, Sailor, or any other person or persons whatsoever, shall presume to import into this Province any such convicted Felons or Malefactors whatsoever, to sell, pay, give, or in any other manner to dispose of, either to their own Plantations, or if any they have, or to any Inhabitant in this Province whatsoever.

And Be it further Enacted by the Authority aforesaid, That if any Master of a Ship, Merchant, Sailor or other person whatsoever, from and after the publication of this Act, shall import and bring into this Province such convicted persons or malefactors and shall give, sell, pay, or in any other ways dispose of unto any Inhabitant of this Province, shall forfeit and pay for every such convicted Felon or Malefactor so imported, sold, given, paid or in any other ways disposed of to any Inhabitant of this Province the Sum of two Hundred pounds of Tobacco, the one half to their Majesty for the Support of the Commons, the other half to the Informer, or him or them that shall sue for the same, to be recovered by Bill Plea or Information, which shall be a good and lawful Cause of Law to be allowed.

And Be it further Enacted by the Authority aforesaid, That the Commission for appointing Courts in each of the County within this Province, or within the City of Baltimore, shall be so framed as to give the time limited for the holding of the same.

And Be it further Enacted by the Authority aforesaid, and that the Commissioners within their respective Counties may know justly when to attend.

B E I T E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That for the future the Courts in the County of Baltimore shall be held the first Tuesday in September, November, January, March June for the Orphans, and the first Tuesday in August. For Anne Arundel, Charles, Somerset and Cecil County's, the second Tuesday in September, November, January, March June for the Orphans, and the 2d Tuesday in August. For Calvert and Talbot County's, the third Tuesday in September, November, January, March June for the Orphans, and the third Tuesday in August. For Kent County the fourth Tuesday in September, November, January, March June for the Orphans, and the fourth Tuesday in August.

And Be it further Enacted by the Authority aforesaid, that every County Coroner that shall not appear and attend at such place appointed for the Court to be held in his respective County at the time limited and appointed, shall be fined two hundred pounds of Tobacco, for and towards the Pillory Stocks and whipping Post for the Execution of Justice, or to be disposed of as the Court then sitting

1862. Tuesday, the 1st day of October yet
 Henry Ballman. Coroner Anne Arundel Charles
 Somerset & Cecil. Present: Talbot & Kent

for appointing Court days in each respective County

ting shall think fit, unless such Commissioner or Commissioners make Lawful Excuse to be allowed of by the Court, and forasmuch as it happens many times in the Winter Season especially, that but two or three of the Commissioners do meet and attend upon the Days set and appointed as aforesaid, whereby all Process made Returnable that Court do fall and abate, and the several Plaintiffs are forced to Sue out new Writts to the great damage and delay of Suitors.

Be It Therefore Enacted by the Authority aforesaid, that any two or three of the Commissioners, whereof one to be of the Quorum meeting as aforesaid, be hereby fully Authorized and Impowered to adjourn the Court to some short time after as to them shall seem meet, and that no Suit for want of a full Court do fall or abate, but the same shall be continued till the next Court, to be held according to such adjournment as aforesaid, and that if the first Day appointed by this Act for the holding the several and respective Courts be not time enough to do the business in that Court depending, then the Justices of such Court are hereby Impowered to adjourn from Day to Day until such time as the business returnable and tryable in that Court shall be finished, and whereas there have some Scruples arisen by the Commissioners of the respective County Courts, whether they shall or may do any other business in every June Court in every respective Year, then what was concerning Orphans, the true Intent and Meaning of this Act is, that the Commissioners of every respective County Court may and ought to do, hear, judge and determine any business depending in the said Court, at the same June Court between any persons whatsoever, as well as relating to any Orphans Business.

An Act for the publication of Marriages.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all persons who shall desire Marriage shall apply themselves either to a Minister, Pastor or Magistrate for the contracting thereof.

And Be It Further Enacted by the Authority aforesaid, that all persons within this Province intending Marriage, shall make publication thereof either at the Church, Chapel, County Court or Meeting House next where they dwell, and that at such time when such Church, Chapel or Meeting House shall be full, and thereby capable to take cognizance thereof, and that it shall and may be Lawful upon such Certificate had from the Minister, Pastor or County Court when such application shall have been made, of three Weeks after the said publication, for either Minister, Pastor or Magistrate to join in Marriage such persons aforesaid; and if any person shall presume to contract Marriage without such publication made, and Certificate thereunto as aforesaid, or without particular Licence from the Governour for the time being, do privately within the Limits of this Province contract Marriage, every person so contracted or married shall be lyable to a Fine of one thousand pounds of Tobacco, and every such Minister, Pastor or Magistrate joyning in Marriage any persons without such publication or Licence or any ways infringing this Act, shall be lyable to a Fine of five thousand pounds of Tobacco, the one half of the said Fines to our Lord and Lady the King and Queen their Heirs and Successors for the Support of Government, and the other half to the Informer, to be recovered by Bill Plaint Action of Debt or Information in any Court of Record, wherein no Essoyn Protection or Wager of Law to be allowed.

And Be It further Enacted, that all such Marriages as shall not be made before some Minister, Pastor or Magistrate with five sufficient Witnesses at least, according to the form aforesaid, shall and are hereby declared null and void.

And Be It further Enacted by the Authority aforesaid, that all Ministers Pastors and Magistrates, who according to the Law of this Province do usually joyn people in Marriage, shall joyn them in manner and form as is set down & express in the Liturgy of the Church of England, which being finished, the Minister, Pastor or Magistrate shall say, (I being herunto by Law Authorized do pronounce you Lawful Man and Wife)

And

And Be It Further Enacted by the Authority aforesaid, that the Minister, Pastor, or Magistrate by Vertue of this Act are impowered to ask, demand and receive from the Party's so married or joynd together the Sum of one hundred pounds of Tobacco.

MARYLAND.

See 1699.C.46 - this collection

At a Session of Assembly begun and held at the City of St. Mary's in their Majesty's Province of Maryland the 21st. Day of September in the VI Year of of the Reign of our Sovereign Lord and Lady WILLIAM and MARY by the Grace of God of England Scotland France and Ireland King and Queen Defenders. of the Faith &c. Anno Domini 1694. His Excellency FRANCIS NICHOLSON Esq; being then Governour in Chief and Captain General, these following Laws were Enacted, to the Honour and Glory of GOD, and welfare of this hts Majesty's Province.

An Act for the Incouragement of Learning, and Advancement of the Natives of this Province.

See subsequent act by Queen Anne's time - 1718.

FORASMUCH as that it hath frequently happened that persons coming into this your Majesty's Province of Maryland, either out of Necessity or hopes of Advancement, have been introduced into the chief places and Offices of trust and profit upon private recommendation or particular Promise beforehand, made by such person or persons in whose Power and Authority the disposing of, and preferring of and to such places and Offices of Trust and Profit aforesaid, did remain to the great discouragement of those persons that are qualified for the Execution of any the said places and Offices aforesaid, who being Inhabitants thereof have at all times as occasion required adventured their Lives & Fortunes for the Defence of this your Majesty's Dominions against all Domestick Insurrections & Indian Incursions, that have hitherto been made or attempted to be made to their no small Charge and Expence; therefore we your Majesty's most Humble and most Loyal Subjects do humbly pray that it may be Enacted,

And BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof, no person or persons whatsoever coming into this Province, & who have not made it their Seat of Residency for the full space and time of three Years, shall have, hold, possess or enjoy any place or Office of Trust or Profit within the same, either by himself or Deputy, except such person or persons as shall have your Majesty's immediate Commission for any such place or Office aforesaid, as also such person or persons now possess of any such places or Offices as aforesaid, but that all and every your Majesty's principal Officers within this Province, having Power, Preheminence, or Authority, by vertue of any Commission from your most Sacred Majesty's to him or them granted, to dispose of any such Offices or places as aforesaid, may upon vacancy of any place or Office whereof they have Right to dispose, or to prefer any person or persons thereinto, being obliged to make Choice of such person or persons as they shall think most worthy and capable of executing of such place or Office as aforesaid out of the Inhabitants of this your Majesty's Province, and who have been Resident therein for and during the time and term aforesaid, (except before excepted) any Costom or Usage to the contrary notwithstanding.

And Be It further Enacted by the Authority aforesaid, that no person or persons whatsoever, having your most Sacred Majesty's Commission to exercise any Office within this Province, shall be obliged actually to inhabit within this Province, and exercise the same in his own proper person, and not by any Deputy or Deputy's.

An Act prohibiting all Masters of Ships or Vessels or any other Persons from transporting or conveying away any person or persons out of this Province without Passes:

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication hereof, any person or persons whatsoever intending to depart this Province, shall first give notice of his her or their intended departure, by setting up his her or their Name or Names at the Secretary's Office the full space of three Months, that if in the time aforesaid, no person shall under write the said person or persons so setting his or their respective Name or Names as aforesaid, It shall then be Lawful for the Governour, Keeper of the great Seal, or Secretary of this Province for the time being, to Sign a Pass to any such person or persons to depart this Province, for which Pass the Party shall pay to the person signing the same the Sum of two Shillings and six pence Sterling, and if any person or persons upon any suddain or emergent occasion are necessitated to depart this Province, not having set up his her or their Name or Names at the Secretary's Office aforesaid, then such person or persons giving good and sufficient Security to the Governour, Keeper of the great Seal or Secretary to discharge and pay all Debts and Accounts whatsoever, due and owing from the said persons to any of the Inhabitants, then the said person or persons so departing may have a Pass as aforesaid.

And Be It Further Enacted, that any Master of Ships or Vessels or other persons whatsoever, that shall transport or convey out of this Province, by Land or Water any Freeman being indebted by Bill, Bond, Accompt or otherwise to any Inhabitant thereof without such pass under the Hand of the Governour, Chancellor or Secretary aforesaid, shall be lyable to satisfie all such Debts, Ingagements and Damages to the person or persons to whom such Debt or Damages respectively shall be due within this Province, except the same be otherwise satisfied, or that the Transportor or Conveyor away of such person or persons procure such person or persons to return again in one Month after, whereby he may be lyable to Justice here, and every such person as aforesaid as shall transport or convey away out of this Province any Servant or Servants being Servants here by Condition, for Wages, Indenture, or custom of the Country, shall be lyable for to pay & satisfie unto the Master or Owner of such Servant or Servants so carried away all such Damages as he or they shall make appear to be justly due, to such Master or Owner for want of such Servant or Servants as the Court before whom such cause shall be tryed shall think fit; And whereas several evil minded people inhabiting and residing at the Head of the Bay, have customarily set persons over the Head of the Bay, and *Susquehanah* River, being either Felons, Debtors, or Runaway Servants from the more remoter parts of this Province, for some small advantage they have in buying or getting such Mony, Goods, or Apparel as such persons so absenting or flying from Justice aforesaid have with them commonly Mony, Goods, or Apparel by them feloniously purloyned from their Masters and other Owners, by which means they may have easy Access to another Government, in retardation of Justice, and to the great Damage of such Creditors, Masters or Owners aforesaid.

Be It therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that from and after the publication hereof, no person or persons inhabiting or being at the Head of the Bay, or in any other part of this Province shall transport or convey, or cause to be transported or conveyed any person or persons over *Susquehanah* River aforesaid, or any other part of the Bay above the North side of *Sassafras* River on the Eastern side of the Bay not having passes so procured as aforesaid, or a Certificate from under the Hands of two Justices of the Peace of that County where such person or persons intending to travel shall inhabit and the County Seal affixed thereunto, certifying the freedom of such persons, and that he she or they are clear to the best of their knowledge from any ingagements impeding their traveling as aforesaid, on penalty of answering all such Debt or Damages to Creditors, Masters or other Owners of Servants, to be recover'd as by this Law is provided, against such as shall actually set them out of this Province, any matter or thing herein contained to the contrary notwithstanding.

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An Act Confirming and making valid the last Will and Testament of Augustin Herman late of Cecil County Gent' as it now stands Recorded in the Commissary Generals Office of this Province.

An Act for the Naturalization of Peter Ferdinando and his Children of Andrew Imbert, Claudius Dutitree, Gerardus Weeffels and James his Son, Abraham Ambrose, Lewis de Roch Brune, John de Vagha Herman Van Burkelo, Nicolaes de la Montaigne, Henderick Sluyter, and Jacob Sluiter Junior

of Cecil County (N. C.) 1858

An Act touching Coopers, and the Gauge of Tobacco Hogsheads.

BE IT ENACTED by the King and Queens most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that all Tobacco Hogsheads that shall hereafter be made within this Province, shall be of the size of 48 Inches in length, & 32 Inches in the head, and not under the size of 46 Inches in length, and 31 Inches in the head, and that what Cooper or Coopers, or other person or persons that shall make Tobacco Hogsheads and do not observe the Gauge aforesaid shall forfeit the said Cask, & upon complaint thereof made the matter of fact being proved by two good and sufficient Evidences, it shall and may be Lawful for the Justices of that respective County Court where such person or persons do inhabit to give Judgment thereupon to the party or parties grieved, and that any Cooper or Coopers person or persons whatsoever, that shall agree with any the Inhabitants of this Province, and undertake with him or them to set up or make his or their Tobacco Hogsheads and Casks, shall and are hereby enjoined to set up and finish one half of the said Tobacco Hogsheads and Casks by the tenth Day of *October* next ensuing the undertaking the making of such Tobacco Hogsheads and Casks as aforesaid, & the other moiety or half part of the said Tobacco Hogsheads & Casks to set up & finish by or before the tenth Day of *December* next ensuing such Contract as aforesaid, and if any Cooper or Coopers, person or persons whatsoever within this Province, so agreeing and undertaking the same as aforesaid, shall wilfully or otherwise neglect to make, set up, complete and finish the said Tobacco Hogsheads and Cask aforesaid, according to such Gauge and by such time as aforesaid, he shall forfeit the sum of one hundred pounds of Tobacco for every Tun of Cask and Tobacco Hogsheads left at the time and times aforesaid unmade, not set up, or unfinished, to be recovered in the several and respective County Courts where the party or parties, Cooper or Coopers do at that time dwell or reside, unless the Cooper or Coopers, person or persons agreeing or undertaking the said work or task aforesaid shall or can before the Commissioners of such County Court make it sufficiently appear that he was hindered in performing the said agreement by sickness or some other Lawful Impediment, which Plea shall be adjudged of by the said Commissioners of the several and respective County's aforesaid.

And Be it also Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that from and after the publication hereof, all Merchants, Traders, Planters and other Inhabitants of this Province making any Cropp of Tobacco shall provide, and cause to be fallen and sawed by the last Day of *April* by the furthest every Year Respectively, all such Timber as he intended or allotted for the making Tobacco Hogsheads to the intent the same may be well seasoned, under the penalty of one hundred pounds of Tobacco for every Hogshead he or they shall have set up or made of any other Timber than what shall be seasoned as aforesaid, one half to our Sovereign Lord and Lady the King & Queen, their Heirs and Successors for the Support of this Government, the other half to him or them that shall Sue for the same, to be Recovered in any Court of Record

within this Province, wherein no Essoyn Protection or Wager of Law to be allowed

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that no Tobacco Hoghead or Cask for Tobacco shall be set up or made by any Cooper or Coopers whatsoever of any other Timber then what is herein before provided, and the same to be hewen and riven into staves and heading by the last Day of July in every Year respectively, & that such Cooper, Coopers or other persons undertaking to set up such Tobacco Hogheads as aforesaid, do at the compleating and finishing of the said Hogheads at each respective House, burn in the Bulge of each respective Hoghead by him set up as aforesaid with a brand Iron the two first Letters of his Name, and every Hoghead by him so branded to weigh, and the true weight thereof with marking Irons to cut into the Bulge aforesaid, on penalty & forfeiture of the Loss of his Labour for every Cask or Hoghead not branded as aforesaid to the Employer of such Cooper, as also the Sum of one hundred pounds of Tobacco for every Hoghead by him falsly weighed or marked as aforesaid, one half thereof to our Sovereign Lord and Lady the King and Queen their Heirs and Successors for the use aforesaid, the other half to him or them that shall Sue for the same to be recovered as aforesaid.

Provided that this Act nor any thing therein contained shall be construed or taken to prejudice any Cooper or Coopers, or other person or persons from undertaking to set up Tobacco Hogheads as aforesaid for any Error or Mistake in the weight of each Respective Hoghead by him so weighed and marked as aforesaid, not exceeding five pounds weight in the Hoghead; and that all and every person and persons whatsoever that shall undertake to make his or their own Cask, shall and are hereby obliged to brand, mark and weigh every respective Hoghead by him so made, under the same penalty and forfeiture as is beforementioned and expressed.

And Be It Further Enacted by the Authority aforesaid, by & with the Advice & Consent aforesaid, that every Master or other Owner of any Servants or Negroes Coopers, or that shall imploy any Servant or Negro to set up his her or their Cask or Tobacco Hogheads, such Master or other Owner shall be obliged to fall, saw, rive, hew, and set up such their Tobacco Hogheads within the severall and respective times as by this Law is before limited and appointed; and them when finished to brand mark and weigh under the same penalties and forfeitures as is before provided against Coopers and other persons undertaking to set up Tobacco Hogheads as aforesaid, In consideration of all which, the Receiver of any Hoghead of Tobacco shall pay and allow to the Owner or Owners thereof for each Hoghead Received the Sum of fourty pounds of Tobacco, deducting out of the gross Weight the true Weight of each Hoghead marked on the Bulge aforesaid and no more, any other Act to the contrary notwithstanding.

An Act for Confirmation of all Proceedings Judicial Military and Civil, from the death of his Excellency Lyonel Copley Esq^r their Majesty's late Governour and Capt^e General of Maryland &c. unto the Arrival of his present Excellency Francis Nicholson Esq^r the present Governour thereof.

N. 1. 1694. 9. 6. 1695

WHEREAS upon the death of Lyonel Copley Esq^r late Governour of Maryland, Sir Edmund Andross Knight Governour of Virginia, in their Majesties Names did assume and take upon him the Government and Chief Command of this Province, by vertue of a Commission from their Majesty's, bearing date the third Day of March Anno Domini 1691. in the fourth Year of their Majesty's Reign under their Signet and Sign Mannual, wherein and whereby their Majesty's were pleased by those Presents to constitute and appoint the said Sir Edmund Andross upon the Death of Capt^e Francis Nicholson, and in the absence of the said Lyonel Copley (and not otherwise) to be Commander in chief in and over this Province, and by vertue thereof the said Sir Edmund Andross in their Majesty's Names by his Proclamation bearing date the 25th. day of September 1693. in the fifth Year of their Majesty's Reign, Reciting that whereas by the death of the said Lyonel Copley their Majesty's late Capt^e General and Governour in Chief in and over this their Province of Maryland, and the absence of Capt^e Francis Nicholson

Nicholson

Nicholson their Majesty's Lievetenant Governour of the same, the Chief Command and Government of the said Province was committed to the charge and conduct of him the said *Sir Edmund Andross* Knight their Majesty's Lievetenant General of their Colony and Dominion of *Virginia*, he the said *Sir Edmund Andross* thereby did proclaim and declare that all Officers civil and military should hold and continue their several and respective Places and Offices by the same as in and by the said Commission and Proclamation remaining upon Record in the Council Records more at large may appear; And because upon reading and inquiring into a certain Commission of their Majesty's bearing date the 21th. Day of February Anno Domini 1691. to Cap^t *Francis Nicholson* appointing and constituting the said *Francis Nicholson* Lievetenant Governour of and in this Province, and upon the death of the said *Lyonel Copley* to exercise and execute the several Powers and Authority's in the said Commission to the said Governour *Copley*, it appears to us that their Majesty's had made expresse provision that the said Lievt Governour *Nicholson* upon the death of the said *Lyonel Copley Esq^r* should Succeed to the Chief Command in this Province, and if not present upon the place at the death of the said *Lyonel Copley*, that the Council should take upon them the Government of the Province, whereof the first in Council to preside; neither doth the said Commission to the said *Sir Edmund Andross* sufficiently Authorise the said *Sir Edmund Andross* to take upon him the Government aforesaid, but upon the death of the said *Francis Nicholson Esq^r* and absence of the said *Lyonel Copley Esq^r*, neither doth the Proclamation aforesaid of the said *Sir Edmund Andross* agree with the said Commission in Reciting that his Access to the Government was by the death or absence of the said *Francis Nicholson Esq^r*, which in the said Commission is expressly confined to the death of the said *Francis Nicholson* and not absence, neither did the said *Sir Edmund Andross* take such Oath for observing of a certain Act of Parliament made in the XII. Year of the Reign of King *Charles the II.* of Blessed Memory, Intituled an Act for the Incouraging & Increasung of Shipping & Navigation before his Entrance into the Government aforesaid, as by the said Statute is commanded, enjoyned, and required of all Governours & Commanders in chief of any their Majesty's lands, Islands, Plantations and Territory's, nor administer or direct, the same to be administered to Colonel *Nicholas Greenbury* by left him as President, nor *Sir Thomas Lawrence* at his next coming, and because also that by the Access of the said *Sir Edmund Andross* to the said Government, by his Authority divers Acts and Actions Judicial and Civil have been done, executed and performed in Courts of Record, and otherwise in this Province; which for the Reasons aforesaid appear precautions and doubtful: In tender Contemplation whereof, and for the Ease and Quiet, Peace and Settlement of your Majesty's most Loyal and Dutyful Subjects of this your Majesty's Province, they humbly pray and beseech your Royal Majesty's that it may be Enacted.

And BE IT ENACTED by your Sacred Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all manner of Actions, Suits, Causes and Proceedings in all and every their Majesty's Courts within this Province, either by holding, setting, adjourning, continuing, or other proceeding, to hearing and determining any Suit, Action, Motion, Petition or other Matter whatsoever, shall be had, taken, accepted & reputed as valid in Law or Equity, and of absolute Force Efficacy and Strength in Law to all Intents, Purposes, and Constructions as any other Judicial Proceedings by any other of their Majesty's more ample Commissions for the due Government of this Province heretofore granted: And all and every Officer and Minister Civil or Military in this their Majesty's Province, shall and are hereby confirmed, established and ratified; for in or by Reason of any Legal Acting and Proceeding in their several and respective Offices Places and Stations, from the time of the Access of the said *Sir Edmund Andross* Knight, to his Excellency's the present Governour *Francis Nicholson Esq^r* his arrival and taking the Government upon him, any Clause, Imperfection, or want of Authority in or to the said *Sir Edmund Andross* or the Commission aforesaid, to the said *Sir Edmund Andross* notwithstanding. Provided that nothing in this Act be taken and construed to justify *Sir Edmund Andross*'s taking and disposing of the publick Revenues for the Support of the Government of this Province, or debar the Assembly or any person whatsoever of their right or claims to the same which he took.

An Act ascertaining the Expences of the Delegates of Assembly, and Commissioners of the Provincial and County Courts.

FOR the ascertaining, limittin and allowing unto the severall and respective Deputy's and Delegates that Serve or shall Serve in the General Assembly's of this Province, and of the severall and respective Commissioners of the Provincial and County Courts of this Province such Sum and Sums of Tobacco as is hereby thought necessary and sufficient for the defraying their Charges in attending such Assembly's and Courts as aforesaid.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all such Delegates and Burgeses of Assembly's shall be allowed the Sum of one hundred and fourty pounds of Tobacco a Day, during the time they shall attend such Assembly's, and no more, (besides their Itinerent Charges) to be paid and allowed by them out of the publick Leavy's of this Province, and the severall and respective Commissioners of the Provincial Courts for the defraying their Charges and Expences during the time they shall Sit in, & attend such Courts; the Sum of one hundred and fourty pounds of Tobacco per Day and no more, besides their Itinerent Charges to be paid them likewise out of the publick Leavy of this Province as aforesaid, and the severall Commissioners of the County Courts shall be allowed for the defraying of their Expences during the time they shall attend such Courts as aforesaid the Sum of Eighty pounds of Tobacco per Day and no more, which Sum of Eighty pounds of Tobacco as aforesaid the said Commissioners of the County Courts are hereby impowered to Assess and Leavy where such Commissioners shall Serve as aforesaid, for defraying the Expences aforesaid and no more.

Provided always, and it is the true Intent and Meaning of this Act, that where any Justices of any County Court, being a full Court, or above the number of Seaven shall agree together in Court Sitting, and consent to lessen any allowance hereby given, or if it be to take the same totally off, it shall and may be Lawful to such full Court to lessen and take off any part of the allowance hereby given & settled to the Commissioners of the said County Courts, and Entering such Rule in the Record, shall for that Year be an absolute Law and Rule for every Justice of that County Court as to their Expences, and it shall not be Lawful to collect or raise any more Tobacco for defraying the County Court Justices Expences, then so much as by such Consent and Rule shall be limitted and agreed on as aforesaid, and if they see fit to make the same Rule, or such other as they shall agree on as aforesaid, once on every Year during this Act, any thing herein to the contrary notwithstanding. And Be It Further Enacted, that one Act of Assembly made at a General Assembly of this Province, begun and held at the City of St. Mary's the tenth Day of May Anno Domini 1692. Intituled *An Act ascertaining the Expences of the Commissioners of the Provincial and County Courts*, be, and is hereby utterly Repealed and made Void.

An Act for erecting Ann-Arundel and Oxford Town into Ports and Towns.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication hereof, the Land called the Town Land at *Seavern* in *Ann-Arundel* County where the Town was formerly, and the Land at *Oxford* in *Talbot* County where the Town was formerly, shall from henceforth be Towns and Ports, and Places of Trade, where all Ships and Vessels may come to for Entering and Clearing, to which End the Collector of that District, or his Lawful Deputy's shall constantly Reside at the said Towns and Ports, and also Naval Officer, or Officers or their Deputy's shall also constantly Reside there; for giving dispatch to all Ships or Vessels coming or trading into them Ports; and that the same Ports and Towns may be capable of being built upon and inhabited by persons desiring to dwell and inhabit in them.

Be It Enacted by the Authority aforesaid, that from and after the proclaiming of this Act, all and every the persons named herein for Commissioners shall be Commissioners of and for the said two Towns, and each of them, and they and every

for making Ann-arundel and Oxford Towns &c.

every of them shall and may execute the Powers and Authority's hereby gave them, according to the directions hereafter given and prescribed, as well with buying and purchasing the aforesaid Town Lands of the now Owners and possessors of the same, as for the Surveying and Laying out the same, and Staking out the several Lotts to be laid out in them, to the End the length, breadth, and extent of each Lot in each Town and Port may be known and distinguished, (that is to say) for the said Town and Port of *Ann-Arundel* in *Ann-Arundel* County aforesaid Major *Hammond*, Major *Edward Dorsey*, Mr. *John Bennet*, Mr. *John Dorsey*, Mr. *Henry Constable*, Mr. *Andrew Norwood*, Mr. *Philip Howard*, Mr. *James Sanders*, and the honourable *Nicholas Greenbury Esq.* And for the Town and Port in *Talbot* County in *Oxford* aforesaid Mr. *Edward Mann*, Mr. *John Edmondson*, Mr. *Clement Saile*, Mr. *John Neels*, Mr. *John Hawkins*, Mr. *Thomas Robinns* and Mr. *Thomas Robinns Junior*, the honourable *George Roebotham*, and Mr. *Thomas Smithson*, and Mr. *Robert Smith*.

And Be it Enacted that the said Commissioners herein nominated for each respective Town in each County aforesaid, or the major part of them, are hereby impowered some time before 25th. Day of *February Anno Domini* 1694. to meet together upon the respective Lands and Places for Towns before mentioned, then and there treat with and agree with the Owners and all persons interested in the said Lands, and buy and purchase of such Owners and others interested in the said Lands one hundred Acres of the said Lands, at the discretion of the persons aforesaid least prejudicial to the Owners, and they that purchase shall cause the same to be Surveyed, and after Survey so made, shall cause the same to be marked, staked, and divided into convenient Streets, Lanes, and Alley's, with other spare places to be left on which may be a Church, Chapel, Market House or other publick Building, and the remaining part of the said one hundred Acres to be divided into one hundred Equal Lotts, marked on some Posts or Stakes towards the Streets or Lanes with Numbers 1 2 3 4 and so to an Hundred, out of which Lotts the Owner of such Lands shall have the first choice for one Lott, during the space of one Year after the said 25th. Day of *February*, except his Excellency *Francis Nicholson Esq.* Governour of this Province, who shall have the next immediate choice of one two or three Lotts in each, or either of the said Towns if his Excellency so please; after which the Lotts shall be taken up by the Inhabitants of the County's onely, during six Months after laying out the same, and if the Inhabitants shall not take up the same Lotts in the time aforesaid, it shall be then free for any person or persons whatsoever to take up the said Lott or Lotts, paying the Owner proportionably for the same; And in case any person or persons shall willfully refuse to make Sale of any such Lands therein before mentioned or any person or persons through non-Age, Coverture, or *non Sana Memoria* or other Impediment or Disability whatsoever, that then the Commissioners aforesaid nominated for each respective Town, are hereby Authorized by vertue of this Act to Issue out Warrants to the Sheriff of the said County's, to empower him to impanel and return a Jury of Freeholders to appear before the said Commissioners, which Jury upon their Oaths to be administered by the said Commissioners are to inquire and assess such Damages and Recompence as they shall think fit to be awarded to the Owners & all persons interested, according to their several and respective Interests in the said Land or any part thereof and what Sum of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the said Owners and Persons interested, by such person or persons as shall take up the said respective Lott or Lotts proportionably thereunto, and the said Commissioners or the major part of them are hereby impowered by respective Warrants under their Hands and Seals to Summon the Surveyor general or the Surveyor of the County to survey and lay out the said one hundred Acres in the places aforesaid mentioned in the manner and form aforesaid, to be marked and staked out as aforesaid, and when the same is Surveyed and laid out as aforesaid, and valued as aforesaid, that then whosoever shall make choice of any such Lott as aforesaid^s and make Entry thereof before and with the Officer or person as by the Commissioners shall be appointed to keep the Book for Entry of the same, and pay such Sum or Quantity of Tobacco as shall by the discretion of the Commissioners be rated upon such Lott and payable to the Owner of the said Land, and on such Lott shall build one twenty Foot square dwelling House at least within twelve

for making Ann-Arundel and Oxford Towns &c.

Months after taking up the same, unless such building be larger than herein expressed shall by virtue thereof, and of the building and finishing as aforesaid invest the said Lot and builder as aforesaid, with an Estate of Inheritance in the said Lott, to him his Heirs and Assigns for ever, and be a perpetual Barr to the Owners and Persons interested in the said Landseither within or without this Province, even against his Lordship the Right Honourable Charles Lord Baron of Baltimore Lord Proprietary of this Province his Heirs and Successors; yielding and paying to the said Lord Proprietary his Heirs and Successors for ever, the yearly Rent of one Penny Current Money for each respective Lott as aforesaid, and that the Surveyor of each Town and Port as aforesaid, shall have and receive such Fees and Rewards for laying out and staking the Towns and Lotts as aforesaid, as the said Commissioners shall allow and settle and no more, and any person or persons that shall build and inhabit in such Port or Town, and shall owe any Sum or Sums of Tobacco and will pay the same in such Towne as he shall be allowed ten per cent. for every Hoghead of four hundred weight and upwards so paid in Towns, to be deducted out of the Debt aforesaid; or pleadable in Barr of the Creditor.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that any person or persons that have haretofore taken up any Lott or Lotts in either of the Towns by virtue of any former Law of this Province and built thereon according to the same former Law, they and every of them their Heirs and Assigns shall have and enjoy a good and sure Estate of Inheritance to them and their Heirs for ever, under the Rents and Services herein mentioned, and the several Lotts so built on shall be deem'd and taken as part of the one hundred Lotts as aforesaid, and the same Town laid out as conveniently thereto as may be.

And Be It Enacted by the Authority aforesaid, that at the Town and Port of *Seavern* in *Ann-Arundel* County shall be bought or valued by the Jury as before in this Act is mentioned, all that parcel or Neck of Land within *Levy Neck Cove* and *Atton's Cove*, lying and adjoyning or near to the Town Land as aforesaid, or so much thereof as by the Commissioners shall be found convenient to be fenced in and called the Town Common or Pasture, and paid for & fenced in at the publick Charge, and shall be for the publick Use and Service when need shall require: And that the Inhabitants of the said Towns shall not raise any Stock of Cattle or Hoggs, Horses or Sheep more than what they can contain and raise upon their respective Lott or Lotts and not more, at the discretion of the Commissioners of the said Towns.

An Act Impowering Richard Bishop of Talbot County Brother and Heir of William Bishop late of Talbot County Deceased, to sell and dispose of so much Land as will amount to Fifty Thousand Pounds of Tobacco, for the Payment of the Charges expended in recovering of the said Estate.
Scht 1694. c 9.

An Act for Ascertaining Naval Officers Fees.

1694. c 10

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the several and respective Master or Masters of all Ships or Vessels trading and coming into this Province of what Burthen soever, shall at the time of Entring such Ships or Vessels as aforesaid pay unto the Governor of this Province for the time being three pence per Tunn, for every Tunn of Burthen the said Ship shall be of, (all such Ships or Vessels as are *bona Fide* built in and belonging to the people of this Province excepted,) or give good caution to the Naval Officer with whom he or they shall Enter for the payment thereof.

And it is hereby Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the several and respective Naval Officers of this Province, within their several and respective Districts, for the several Acts and things relating to his or their Office by him or them hereby injoynd to be done, shall have and receive the Fees hereafter mentioned and no more, (to wit) for Entring any Ship or Vessel coming and trading into this Province being under the burthen of

for Tunnage, and ascertaining Naval Officers Fees.

of one hundred Tunn, the Master thereof shall pay unto that respective Naval Officer with whom he shall Enter such Ship or Vessel as a Fee for Entering thereof the Sum of five Shillings Sterling and no more, and five Shillings more for the clearing thereof; And if such Ship or Vessel shall be above the burthen of one hundred Tunns, or of two hundred Tunns or upwards, the Master for the Entry thereof shall pay the said Naval Officer as a Fee ten Shillings Sterling, and ten shillings for the Clearing thereof; And the said Naval Officers are hereby obliged to enter all Ships or Vessels of what burthen soever of the built of this Province, & where the Owners do inhabit & reside within this Province the Sum of two Shillings & six Pence Sterling, which is hereby allowed & ascertained him as a Fee, therefore, and for the Sum of two Shillings six Pence shall clear the same.

And Be It is further Enacted by the Authority aforesaid, that all small Boats belonging to this Province, and being under eighteen Foot by the Keel, shall pass and repass without any lett, hindrance, molestation or seizure of the same, (unless they shall carry & have on Board them prohibited goods, or goods lyable to pay Custom to their Majesty's not Cocquetted or Clearing for the same,) without being obliged to take out Permits for such passing and repassing as aforesaid; And that the Masters of all Shallops or open Sloops trading within this Province, do pay unto the severall Naval Officers, or their Deputy or Deputy's appointed for the granting of Permits the Sum of two Shillings six pence yearly and no more for the granting of such Permits as aforesaid, and shall give good Security to be taken by such Officer aforesaid in their Majesty's Name, that he or they shall and will duly observe the Acts of Trade and Navigation and other good Laws of this Province relating thereto.

And Be it further Enacted That all and every Collector and Collectors of this Province shall have and receive such Fees for Entering and Clearing such Ships and Vessels as aforesaid, as are above allowed to the Naval Officers and no more; And that all Collectors and Naval Officers shall make a fair Table of all their Fees and hang them up in their Offices, under the penalty of fifty pounds Sterling to their Majesty's their Heirs and Successors for the Support of Government, to be recovered in any Court of Record within this Province by Action of Debt Bill Plaintiff or Information, wherein no Essoyn Protection or Wager of Law shall be allowed.

An Additional Act to the Act for quieting Possessions.

1694. C. 11

WHEREAS at a General Assembly begun and held at St. Mary's in the Province of Maryland the twenty seventh Day of March in the nine and thirtieth Year of the Dominion of *Cacilius*, &c. *Anno Domini* 1671. It was then & there amongst other things Enacted *viz.* an Act for quieting possessions, which Act did assure & confirm all Estates made by real Purchasers of all Lands Tenements and Hereditaments whatsoever, before the Day of the date thereof and not after.

And whereas at a General Assembly held at the City of St. Mary's the 13th. Day of April in the two and fortieth Year of the Dominion of *Cacilius* &c. *Anno Domini* 1674. Intituled *An Act of Enroling Conveyances, and securing the Estates of real Purchasers*, it was therein contained amongst other things, *viz.* that all that from thenceforth should purchase any Land of Inheritance, should purchase the same by Deed Indented, or other sure Deed, and inrole the same in the County where the Land lieth, or in the Provincial Court, or the principal heads of the same Deed, clearly shewing and declaring the manner how Lands should pass from Man to Man. And forasmuch as the same Law did not provide for the Security of all those Titles that did pass from Man to Man from the 27th. Day of March 1671. until the 13th. Day of April *Anno Domini* 1674. nor no other Law extant for Securing those Titles, being under the same circumstances as those of 1671. We the Deputy's and Delegates of this present General Assembly do pray that it may be Enacted,

And BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the aforesaid Law Intituled *An Act for quieting of Possessions*, and all the branches & proviso's therein contained be in full force and vertue until the 13th. Day of April *Anno Domini* 1674. and not after.

for making Ann-Arundel and Oxford Towns &c.

Persons after taking up the same, unless such building be larger than herein expressed, shall by virtue thereof, and of the building and finishing as aforesaid invest the same in and build as aforesaid, with an Estate of Inheritance in the said Lott, to him his Heirs and Assigns for ever, and be a perpetual Barr to the Owners and Persons interested in the said Landseither within or without this Province, even against his Lordship the Right Honourable Charles Lord Baron of Baltimore Lord Proprietary of this Province his Heirs and Successors, yielding and paying to the said Lord Proprietary his Heirs and Successors for ever, the yearly Rent of one Penny Current Money for each respective Lott as aforesaid, and that the Surveyor of each Town and Port as aforesaid, shall have and receive such Fees and Rewards for laying out and staking the Towns and Lotts as aforesaid, as the said Commissioners shall allow and settle and no more, and any person or persons that shall build and inhabit in such Port or Town, and shall owe any Sum or Sums of Tobacco and will pay the same in such Towne as he shall be allowed ten per cent. for every Hoghead of four hundred weight and upwards so paid in Towns, to be deducted out of the Debt aforesaid; or pleadable in Barr of the Creditor.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that any person or persons that have haretofore taken up any Lott or Lotts in either of the Towns by virtue of any former Law of this Province and built thereon according to the same former Law, they and every of them their Heirs and Assigns shall have and enjoy a good and sure Estate of Inheritance to them and their Heirs for ever, under the Rents and Services herein mentioned, and the several Lotts so built on shall be deem'd and taken as part of the one hundred Lotts as aforesaid, and the same Town laid out as conveniently thereto as may be.

And Be It Enacted by the Authority aforesaid, that at the Town and Port of Severn in Ann-Arundel County shall be bought or valued by the Jury as before in this Act is mentioned, all that parcel or Neck of Land within Levy Neck Cove and Aston's Cove, lying and adjoyning or near to the Town Land as aforesaid, or so much thereof as by the Commissioners shall be found convenient to be fenced in and called the Town Common or Pasture, and paid for & fenced in at the publick Charge, and shall be for the publick Use and Service when need shall require: And that the Inhabitants of the said Towns shall not raise any Stock of Cattle or Hoggs, Horses or Sheep more than what they can contain and raise upon their respective Lott or Lotts and not more, at the discretion of the Commissioners of the said Towns.

An Act Impowering Richard Bishop of Talbot County Brother and Heir of William Bishop late of Talbot County Deceased, to sell and dispose of so much Land as will amount to Fifty Thousand Pounds of Tobacco, for the Payment of the Charges expended in recovering of the said Estate.
Scht 1694. c. 9.

An Act for Ascertaining Naval Officers Fees.

1694. c. 10

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the several and respective Master or Masters of all Ships or Vessels trading and coming into this Province of what Burthen soever, shall at the time of Entring such Ships or Vessels as aforesaid pay unto the Governor of this Province for the time being three pence per Tunn, for every Tunn of Burthen the said Ship shall be of, (all such Ships or Vessels as are *bona Fide* built in and belonging to the people of this Province excepted,) or give good caution to the Naval Officer with whom he or they shall Enter for the payment thereof.

And it is hereby Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the several and respective Naval Officers of this Province, within their several and respective Districts, for the several Acts and things relating to his or their Office by him or them hereby injoynd to be done, shall have and receive the Fees hereafter mentioned and no more, (to wit) for Entring any Ship or Vessel coming and trading into this Province being under the burthen of

of one hundred Tunns, the Master thereof shall pay unto that respective Naval Officer with whom he shall Enter such Ship or Vessel as a Fee for Entering thereof the Sum of five Shillings Sterling and no more, and five Shillings more for the clearing thereof; And if such Ship or Vessel shall be above the burthen of one hundred Tunns, or of two hundred Tunns or upwards, the Master for the Entry thereof shall pay the said Naval Officer as a Fee ten Shillings Sterling, and ten Shillings for the Clearing thereof; And the said Naval Officers are hereby obliged to enter all Ships or Vessels of what burthen soever of the built of this Province, & where the Owners do inhabit & reside within this Province the Sum of two Shillings & six Pence Sterling, which is hereby allowed & ascertained him as a Fee, therefore, and for the Sum of two Shillings six Pence shall clear the same.

And Be It is further Enacted by the Authority aforesaid, that all small Boats belonging to this Province, and being under eighteen Foot by the Keel, shall pass and repass without any lett, hindrance, molestation or seizure of the same, (unless they shall carry & have on Board them prohibited goods, or goods lyable to pay Custom to their Majesty's not Cocquetted or Clearing for the same,) without being obliged to take out Permits for such passing and repassing as aforesaid; And that the Masters of all Shallops or open Sloops trading within this Province, do pay unto the severall Naval Officers, or their Deputy or Deputy's appointed for the granting of Permits the Sum of two Shillings six pence yearly and no more for the granting of such Permits as aforesaid, and shall give good Security to be taken by such Officer aforesaid in their Majesty's Name, that he or they shall and will duly observe the Acts of Trade and Navigation and other good Laws of this Province relating thereto.

And Be it further Enacted That all and every Collector and Collectors of this Province shall have and receive such Fees for Entering and Clearing such Ships and Vessels as aforesaid, as are above allowed to the Naval Officers and no more; And that all Collectors and Naval Officers shall make a fair Table of all their Fees and hang them up in their Offices, under the penalty of fifty pounds Sterling to their Majesty's their Heirs and Successors for the Support of Government, to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law shall be allowed.

An Additional Act to the Act for quieting Possessions.

1694. c. 11

WHEREAS at a General Assembly begun and held at St. Mary's in the Province of Maryland the twenty seaventh Day of March in the nine and thirtieth Year of the Dominion of Cæcilius, &c. Anno Domini 1671. It was then & there amongst other things Enacted viz. an Act for quieting possessions, which Act did assure & confirm all Estates made by real Purchasers of all Lands Tenements and Hereditaments whatsoever, before the Day of the date thereof and not after.

And whereas at a General Assembly held at the City of St. Mary's the 13th. Day of April in the two and fortieth Year of the Dominion of Cæcilius &c. Anno Domini 1674. Intituled *An Act of Enroling Conveyances, and securing the Estates of real Purchasers*, it was therein contained amongst other things, viz. that all that from thenceforth should purchase any Land of Inheritance, should purchase the same by Deed Indented, or other sure Deed, and inrole the same in the County where the Land lieth, or in the Provincial Court, or the principal heads of the same Deed, clearly shewing and declaring the manner how Lands should pass from Man to Man. And forasmuch as the same Law did not provide for the Security of all those Titles that did pass from Man to Man from the 27th. Day of March 1671. until the 13th. Day of April Anno Domini 1674. nor no other Law extant for Securing those Titles, being under the same circumstances as those of 1671. We the Deputy's and Delegates of this present General Assembly do pray that it may be Enacted,

And BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the aforesaid Law Intituled *An Act for quieting of Possessions*, and all the branches & proviso's therein contained be in full force and vertue until the 13th. Day of April Anno Domini 1674. and not after.

At a Sessions of Assembly held at *Ann-Arundel Town* in *Ann-Arundel County* on the last Day of *February* in the Sixth Year of the Reign of our Sovereign Lord and Lady *WILLIAM and MARY* by the Grace of *GOD* of *England Scotland France and Ireland* King and Queen Defenders of the Faith &c. *Anno Domini 1694.* were Enacted,

An Act for the Naturalization of Daniel Danison Senior, and Daniel Danison Junior of Calvert County.

At a Sessions of Assembly held at *Annapolis* the 8th. Day of *May* in the 7th. Year of the Reign of our Sovereign Lord and Lady *William and Mary* King and Queen of *England &c.* *Anno Domini 1695.* were Enacted these following Laws.

An Act for Settling Ann-Arundel County Court. at the Port of Annapolis within the same County

FORASMUCH as there is not any good Court House built and fitted for the County of *Ann-Arundel*, and that the Provincial Court is now by Law Established to be held and kept for ever hereafter at the Port of *Annapolis* on the River of *Seavern* within the same County, where there is, and must of necessity be a Court House built for the publick use of this Province, which may be sufficient for holding the County Courts in also, and thereby the County saved the Charge of building a County Court House, and the said Port of *Annapolis* propagated and increased.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Justices of the County Court of *Ann-Arundel County* do at their next meeting in their County Court adjourn themselves from the place the same Court shall be held, to the Port of *Annapolis* upon *Seavern River* in *Ann-Arundel County*, and there at the said Port in the Court House of the Province, hold and keep the said County Court, and so all the County Courts for the said County shall for ever hereafter be held and kept at the said Port of *Annapolis* at *Seavern River* aforesaid in *Ann-Arundel County* aforesaid, and at no other place whatsoever in the said County; and that the Records of the said County be removed to the said Port there to be kept, and also that the Church to be built and erected for the Parish in which the said Port of *Annapolis* is, shall be built and erected within the said Port in such place, and part thereof as to his Excellency the present Governour shall be thought fit and convenient, which for ever hereafter shall be denominated, called and known by the Name of the Port of *Annapolis*, and by no other Name or Distinction whatsoever.

An Act for Securing of Administrators and Executors from double paying of Debts, and Limiting of the time for payment of Obligations within this Province.

FORASMUCH as Doubts have arisen whether Executors or Administrators having fully satisfied so far as Assets all Debts due within this Province with respect to the quality of the same Debts, should be lyable to answer Debts contracted out of this Province, being of a higher Nature for preventing of all ambiguity's for the future, and to the End that the several & respective Courts and the Practitioners thereunto appertaining may be ascertained what methods and measures

for securing of Administrators &c. from double paying of debts &c.
measures hereafter to take in cases of that nature, it is prayed that it
acted, And

BE IT ENACTED by the King and Queens most Excellent Maj.
by and with the Advice and Consent of this present General Assembly and by the
Authority of the same, that from and after the publication hereof no person or per-
sons being Executors or Administrators of any Estate within this Province, shall
be lyable to pay or satisfy Debts contracted out of this Province, of what nature
or quality soever, Debts due to their Sacred Majesty's only excepted, before debts
due within this Province, from the Estate or Estates of any person or persons de-
ceased shall be paid and satisfied; if such Executors or Administrators shall have
Assets in his her or their hands sufficient to satisfy and pay the same, such ex-
ecutors or Administrators having respect to the quality of the Debts due within
this Province as aforesaid, unless the creditor or creditors of the said deceased being
persons residing out of this Province as aforesaid, on any Actions by him
her or them brought against such Executors or Administrators aforesaid, upon a-
ny debt or contract of a higher nature than those contracted within this Province as
aforesaid, be it by Statute Merchant or of the Staple, Judgment, Bond or other-
wise do upon Tryal make it sufficiently appear that such Executors or Administra-
tors had due knowledge & Cognizance thereof upon due proof thereof as aforesaid,
if such Executors or Administrators shall have paid debts of an inferiour nature, not
recovered against them by due course of Law, or suffered Judgment to go against
them for any such Debt as aforesaid, without pleading such foreign Debt in stay
of Judgment, such Executor or Administrator not having Assets in his her or
their Hands sufficient to pay the Debt as aforesaid, and satisfy the same, the
Court before whom such Action shall be brought shall give Judgment and award
Execution against such Executors or Administrators *de bonis Propriis*, to such Cre-
ditor or Creditors as aforesaid, as the Law in that case directs, any thing in this pre-
sent Act contained to the contrary thereof in any wise notwithstanding.

And for that it hath been found of evil Consequence, that Bonds, Bills, and o-
ther Obligations under the Hand and Seal of any person or persons within this
Province which are of very ancient date, and probably have been by the person
or persons who were Debtors thereby long before paid and satisfied, but for want
of due proof thereof or the Receipt for payment through length of Time become
casually lost such Debtors are laid liable by Law to pay and satisfy such Debt or
Debts by them so formerly paid and satisfied as aforesaid. Be it therefore
Enacted by the Authority aforesaid, by and with the Advice and Consent afore-
said, that for the future no Bill, Bond or other Obligation under the Hand and
Seal of any person or persons whatsoever, that hath been, or shall at any time here-
after be taken of any of the Inhabitants of this Province aforesaid, that shall not
be renewed within five Years from the publication hereof, or within five Years
from the taking of such Obligation as aforesaid, and so for every five Years suc-
cessively be suable or impleadable in any Court within this Province, Debts due
to their Sacred Majesty's their Heirs and Successors, Bonds formerly given, or
hereafter to be given into any Office within this Province, Debts due to any per-
sons under Age, *non Sana Memoria*, or beyond the Seas and not returning within
five Years as aforesaid. (only excepted)

Provided that this Act nor any thing therein contain'd be construed or taken to give
any advantage or benefit to persons flying out of this Province and not returning
within the time aforesaid, any thing in this present Act contained to the contrary
in any wise notwithstanding.

An additional Act to the Act for Ports.

BE IT ENACTED by the King and Queens most Excellent Majesty's
by and with the Advice and Consent of this present General Assembly and
the Authority of the same, That the Town Land at Oxford in Talbot County con-
stituted and appointed a Town and Port by a former Act of Assembly made at a
Session of Assembly begun and held at the City of St. Marys the 21st. Day of Sep-
tember Anno Domini 1694. be again Surveyed and Laid out, that is to say, some
time before the last Day of September next, before the Commissioners in the
fore recited Act nominated and appointed, bounding the same at low water mark

At a Sessions of Assembly held at *Ann-Arundel* Town in *Ann-Arundel* County on the last Day of *February* in the Sixth Year of the Reign of our Sovereign Lord and Lady *WILLIAM* and *MARY* by the Grace of *GOD* of *England* *Scotland* *France* and *Ireland* King and Queen Defenders of the Faith &c. *Anno Domini* 1694. were Enacted,

An Act for the Naturalization of Daniel Danison Senior, and Daniel Danison Junior of Calvert County.

At a Sessions of Assembly held at *Annapolis* the 8th. Day of *May* in the 7th. Year of the Reign of our Sovereign Lord and Lady *William* and *Mary* King and Queen of *England* &c. *Anno Domini* 1695. were Enacted these following Laws.

An Act for Settling Ann-Arundel County Court. at the Port of Annapolis within the same County

FORASMUCH as there is not any good Court House built and fitted for the County of *Ann-Arundel*, and that the Provincial Court is now by Law Established to be held and kept for ever hereafter at the Port of *Annapolis* on the River of *Seavern* within the same County, where there is, and must of necessity be a Court House built for the publick use of this Province, which may be sufficient for holding the County Courts in also, and thereby the County saved the Charge of building a County Court House, and the said Port of *Annapolis* propagated and increased.

BE IT THEREFORE ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Justices of the County Court of *Ann-Arundel* County do at their next meeting in their County Court adjourn themselves from the place the same Court shall be held, to the Port of *Annapolis* upon *Seavern* River in *Ann-Arundel* County, and there at the said Port in the Court House of the Province, hold and keep the said County Court, and so all the County Courts for the said County shall for ever hereafter be held and kept at the said Port of *Annapolis* at *Seavern* River aforesaid in *Ann-Arundel* County aforesaid, and at no other place whatsoever in the said County; and that the Records of the said County be removed to the said Port there to be kept, and also that the Church to be built and erected for the Parish in which the said Port of *Annapolis* is, shall be built and erected within the said Port in such place, and part thereof as to his Excellency the present Governour shall be thought fit and convenient, which for ever hereafter shall be denominated, called and known by the Name of the Port of *Annapolis*, and by no other Name or Distinction whatsoever.

An Act for Securing of Administrators and Executors from double paying of Debts, and Limiting of the time for payment of Obligations within this Province.

FORASMUCH as Doubts have arisen whether Executors or Administrators having fully satisfied so far as Assers all Debts due within this Province with respect to the quality of the same Debts, should be lyable to answer Debts contracted out of this Province, being of a higher Nature for preventing of all ambiguity's for the future, and to the End that the several & respective Courts and the Practitioners thereunto appertaining may be ascertained what methods and measures

for securing of Administrators &c. from double paying of debts &c.

measures hereafter to take in cases of that nature, it is prayed that it be acted, And

BE IT ENACTED by the King and Queens most Excellent Majesty by and with the Advice and Consent of this present General Assembly and by the Authority of the same, that from and after the publication hereof no person or persons being Executors or Administrators of any Estate within this Province, shall be lyable to pay or satisfy Debts contracted out of this Province, of what nature or quality soever, Debts due to their Sacred Majesty's only excepted, before debts due within this Province, from the Estate or Estates of any person or persons deceased shall be paid and satisfied; if such Executors or Administrators shall have Assets in his her or their hands sufficient to satisfy and pay the same, such Executors or Administrators having respect to the quality of the Debts due within this Province as aforesaid, unless the creditor or creditors of the said deceased being persons residing out of this Province as aforesaid, on any Actions by him her or them brought against such Executors or Administrators aforesaid, upon any debt or contract of a higher nature than those contracted within this Province as aforesaid, be it by Statute Merchant or of the Staple, Judgment, Bond or otherwise do upon Tryal make it sufficiently appear that such Executors or Administrators had due knowledge & Cognizance thereof upon due proof thereof as aforesaid, if such Executors or Administrators shall have paid debts of an inferiour nature, not recovered against them by due course of Law, or suffered Judgment to go against them for any such Debt as aforesaid, without pleading such foreign Debt in stay of Judgment, such Executor or Administrator not having Assets in his her or their Hands sufficient to pay the Debt as aforesaid, and satisfy the same, the Court before whom such Action shall be brought shall give Judgment and award Execution against such Executors or Administrators *de bonis Propriis*, to such Creditor or Creditors as aforesaid, as the Law in that case directs, any thing in this present Act contained to the contrary thereof in any wise notwithstanding.

And for that it hath been found of evil Consequence, that Bonds, Bills, and other Obligations under the Hand and Seal of any person or persons within this Province which are of very ancient date, and probably have been by the person or persons who were Debtors thereby long before paid and satisfied, but for want of due proof thereof or the Receipt for payment through length of Time become casuallly lost such Debtors are laid liable by Law to pay and satisfy such Debt or Debts by them so formerly paid and satisfied as aforesaid. Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that for the future no Bill, Bond or other Obligation under the Hand and Seal of any person or persons whatsoever, that hath been, or shall at any time hereafter be taken of any of the Inhabitants of this Province aforesaid, that shall not be renewed within five Years from the publication hereof, or within five Years from the taking of such Obligation as aforesaid, and so for every five Years successively be suable or impleadable in any Court within this Province, Debts due to their Sacred Majesty's their Heirs and Successors, Bonds formerly given, or hereafter to be given into any Office within this Province, Debts due to any persons under Age, *non Sana Memoria*, or beyond the Seas and not returning within five Years as aforesaid. (only excepted)

Provided that this Act nor any thing therein contain'd be construed or taken to give any advantage or benefit to persons flying out of this Province and not returning within the time aforesaid, any thing in this present Act contained to the contrary in any wise notwithstanding.

An additional Act to the Act for Ports.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Town Land at Oxford in Talbot County constituted and appointed a Town and Port by a former Act of Assembly made at a Session of Assembly begun and held at the City of St. Marys the 21st. Day of September Anno Domini 1694. be again Surveyed and Laid out, that is to say, some time before the last Day of September next, before the Commissioners in the aforesaid Act nominated and appointed, bounding the same at low water mark including

including the Island, and so to the old bounded Tree at the Southernmost part of the said Port & Town as in the Port and Town of ~~the~~ there be one or more places laid out and reserved as the Commissi-
^{oners} the respective Ports shall think fit for the building of Ships and other Vessels, and that the Officers of the Lord Proprietary for receiving the Duty's due & payable to his said Lordship, be hereby obliged by themselves or Deputy's thereunto Authorized and appointed to reside at the said Ports and Towns for the dispatch of Ships and other Vessels Entering and Clearing at such Ports and Towns as aforesaid.

And Be It also Enacted by the Authority aforesaid, that the two Ports of *Annapolis* and *Oxford* for the future shall be called known and distinguished by the names or appellations of *Annapolis* and *Williamstadt*, that is to say, the Port of *Annapolis* to be called by the name of *Annapolis*, and *Oxford* by the name of *Williamstadt*, and that there be purchased to the said Town of *Williamstadt* one hundred Acres of Land adjacent to the said Town for a Common or Pasture, for the benefit of all persons within this Province that shall repair to the said Town, and that the same be laid out as above expressed, and that six Acres of the same be reserved for publick Buildings.

made by Elizabeth (Roe) daughter of her deceased husband Henry (Roe) Assessor
1744
 An Act for Naturalization of Mathias Mathiason alias Freeman, Peter Golley, John and Joseph Goutec, and Joseph and John Sons of the said Joseph Goutec, and Leonard Camperfon.

An Act ascertaining the Fees for Naturalization.

W H E R E A S divers complaints have been made, that several persons have taken and exacted immoderate Fees of persons Naturalized, for prevention thereof for the future,

B E I T E N A C T E D by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the Fees to be taken by the several Clerks and Officers belonging to the Assembly for the Naturalization, be such as shall be allowed and adjudged by the respective Assembly's when and where such persons shall be Naturalized, and that no person whatsoever presume to demand or exact any more Fees of any such persons Naturalized than what are so allowed or to be allowed, under the penalty of two thousand pounds of Tobacco to every such person exacting or extorting more than what is or shall be allowed by such Assembly assessing the Fees as aforesaid, the said Forfeiture to be recovered in any Court of Record within this Province by Action of Debt Bill Plaintiff or Information wherein no Essoyn Protection or Wager of Law to be allowed the one half to their Majesties the other half to the Party grieved.

An Act for the division and regulating of several County's within this Province, and constituting a County by the Name of Prince-Georg's County within the same Province.

W H E R E A S divers of the Inhabitants of the County of St. Marys and Kent have by their Petitions complained that through the Irregularities of their County's being so ill situated that their Court Houses or chief places of Judicature within their County's, cannot be Seated for the conveniency of the Inhabitants and Suitors to the same, therefore this present General Assembly have taken into their Serious Consideration to Redress the Agrievances for the future, do therefore humbly pray that it may be Enacted,

And **B E I T E N A C T E D** by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the twenty third day of April next being St. Georges Day, after the End of this present Session of Assembly, that the Bounds of St. Marys County shall begin at Point Look out, and extend it self up

The site of Oxford belonged to Madam Elizabeth Potomack (Roe) daughter of Gov Roe of Andover, a Oxford neck to make of Lot's Nicholas Lewis

Potomack River to the lower side of Buds Creek, and so over by a straight Line drawn from the Head of the main Branch of the said Buds Creek to the Head of Indian Creek in Patuxent River, and which falls into Patuxent River, including all that Land lying between Patuxent and Potomack Rivers from the lower part of the said two Creeks and Branches of Buds and Indian Creek by the Line aforesaid, and Point Look out as aforesaid, and upon the upper side of the said Indian Creek & Buds Creek shall the Bounds of Charles County begin where the upper Bounds of St. Marys ends, and extend it self upwards as far as Mattawoman Creek and Branch, and bounding on the said Branch by a straight Line drawn from the head thereof to the head of Swansons Creek in Patuxent River, including all that land lying on the upper part of Buds Creek and Indian Creek Branches where St. Marys County ends to the lower side of Mattawoman Creek and Branch and Swansons Creek and Branch, between Patuxent and Potomack Rivers as aforesaid.

And Be It Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Land from the upper side of Mattawoman and Swansons Creeks and Branches extending upward bounded by Potomack on the West, and by Patuxent River on the East, shall be and is hereby constituted, founded, & incorporated into a County of this Province, and shall be denominated called and known by the name of Prince Georges County, and shall from and after the said twenty third day of April next ensuing being St. Georges Day as aforesaid, have and enjoy all other Rights Benefits and Privileges equal with the other County's of this Province, such as sending Burgesses to Assembly's, having County Courts, Sheriffs, Justices, and other Officers and Ministers requisite and necessary & as are used in other County's of this Province.

And Be it Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that the several and respective persons hereafter in this Act mentioned shall and are hereby Authorized, Required, and Impowered to call to them the Surveyors of the County's and cause them to run out the Lines and Bounds of the said County's of St. Mary's Charles and Prince Georges County's as aforesaid, that is to say, from the heads of the Branches of Buds and Mattawoman Creek to Indian and Swansons Creeks as aforesaid, that is to say, Mr. Robert Mason and Mr. James Keech for St. Mary's County, Mr. John Bayn and Mr. James Bigger for Charles County, Mr. William Hitchison & Mr. Thomas Greenfield for Prince Georges County, who are Required & Injoyed by this Act at or before the said twenty third day of April as aforesaid to cause the said two Lines from the head of Buds Creek Branch to the head of Indian Creek Branch, and from the head of Mattawoman Branch to Swansons Creek Branch, fully to be marked and lined by a double Line of marked Trees that the same may be known and perceived by all persons desiring to know the same, and shall return a Certificate of the due courses thereof, one to each County concerned, that is to say St. Mary's, Charles and Prince Georges County's, and one more Certificate to his Excellency the Governour and Council to be Recorded in the Council Records & each County Courts Records aforesaid, under the penalty of one thousand pound of Tobacco to each person hereby nominated and appointed failing, and two thousand pounds of Tobacco to the Surveyor failing, one half to the Informer, the other half to the Vestry of the Parish where the Offender dwells, to be recovered in any Court of Record within this Province, by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the place for holding the County Court of St. Marys County shall for ever hereafter be at the City of St. Mary's in the State House of the said City, there formerly built at the cost and charge of this Province, and in no other place of the said County whatsoever, the same State House being hereby allotted and appointed by this present General Assembly to the County of St. Mary's for holding and keeping their Courts in, and such other decent Services as to the Justices of the same County in full Court shall be consented and agreed to.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that from and after the said twenty third day of April next after the end of this present Session of Assembly the Island of Kent shall be added to and made part of Talbot County and deemed reputed and taken as part thereof

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 names or appellations of *Annapolis and Williamstadt*, that is to say, the Port of
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 hundred Acres of Land adjacent to the said Town for a Common or Pasture, for
 the benefit of all persons within this Province that shall repair to the said Town,
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 vince, and constituting a County by the Name of Prince-Georg's County
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WHEREAS divers of the Inhabitants of the County of *St. Marys and
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Potomack River to the lower side of Buds Creek, and so over by a straight Line drawn from the Head of the main Branch of the said Buds Creek to the Head of Indian Creek in Patuxent River, and which falls into Patuxent River, including all that Land lying between Patuxent and Potomack Rivers from the lower part of the said two Creeks and Branches of Buds and Indian Creek by the Line aforesaid, and Point Look out as aforesaid, and upon the upper side of the said Indian Creek & Buds Creek shall the Bounds of Charles County begin where the upper Bounds of St. Marys ends, and extend it self upwards as far as Mattawoman Creek and Branch, and bounding on the said Branch by a straight Line drawn from the head thereof to the head of Swansons Creek in Patuxent River, including all that land lying on the upper part of Buds Creek and Indian Creek Branches where St. Marys County ends to the lower side of Mattawoman Creek and Branch and Swansons Creek and Branch, between Patuxent and Potomack Rivers as aforesaid.

And Be It Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Land from the upper side of Mattawoman and Swansons Creeks and Branches extending upward bounded by Potomack on the West, and by Patuxent River on the East, shall be and is hereby constituted, founded, & incorporated into a County of this Province, and shall be denominated called and known by the name of Prince Georges County, and shall from and after the said twenty third day of April next ensuing being St. Georges Day as aforesaid, have and enjoy all other Rights Benefits and Privileges equal with the other County's of this Province, such as sending Burgesses to Assembly's, having County Courts, Sheriffs, Justices, and other Officers and Ministers requisite and necessary & as are used in other County's of this Province.

And Be it Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that the several and respective persons hereafter in this Act mentioned shall and are hereby Authorized, Required, and Impowered to call to them the Surveyors of the County's and cause them to run out the Lines and Bounds of the said County's of St. Mary's Charles and Prince Georges County's as aforesaid, that is to say, from the heads of the Branches of Buds and Mattawoman Creek to Indian and Swansons Creeks as aforesaid, that is to say, Mr. Robert Mason and Mr. James Keech for St. Mary's County, Mr. John Bayn and Mr. James Bigger for Charles County, Mr. William Hutchison & Mr. Thomas Greenfield for Prince Georges County, who are Required & Injoynd by this Act at or before the said twenty third day of April as aforesaid to cause the said two Lines from the head of Buds Creek Branch to the head of Indian Creek Branch, and from the head of Mattawoman Branch to Swansons Creek Branch, fully to be marked and lined by a double Line of marked Trees that the same may be known and perceived by all persons desiring to know the same, and shall return a Certificate of the due courses thereof, one to each County concerned, that is to say St. Mary's, Charles and Prince Georges County's, and one more Certificate to his Excellency the Governour and Council to be Recorded in the Council Records & each County Courts Records aforesaid, under the penalty of one thousand pound of Tobacco to each person hereby nominated and appointed failing, and two thousand pounds of Tobacco to the Surveyor failing, one half to the Informer, the other half to the Vestry of the Parish where the Offender dwells, to be recovered in any Court of Record within this Province, by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the place for holding the County Court of St. Marys County shall for ever hereafter be at the City of St. Mary's in the State House of the said City, there formerly built at the cost and charge of this Province, and in no other place of the said County whatsoever, the same State House being hereby allotted and appointed by this present General Assembly to the County of St. Mary's for holding and keeping their Courts in, and such other decent Services as to the Justices of the same County in full Court shall be consented and agreed to.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that from and after the said twenty third day of April next after the end of this present Session of Assembly the Island of Kent shall be added to and made part of Talbot County and deemed reputed and taken as part thereof

and

34 *for constituting a County by the name of Prince Georges County &c.*

and that that part of Talbot County lying on the North side of Corseica Creek running up the main Eastern Branch to the head thereof, and then with a course drawn East, to the out side of this Province shall be the Southerly Bounds of the County of Kent, and on the North by the County of Cecil, any Law Statute Usage heretofore to the contrary notwithstanding.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the persons herein nominated are authorized and empowered and hereby appointed some time before the twenty third day of April next to call to them the Surveyor of the County of Talbot and cause the Bounds of the said County's of Kent & Talbot to be run out and marked by a double line of Trees to be marked between Kent and Talbot County's as aforesaid, that is to say Mr. William Coursey for Talbot County, & Mr. Symon Willmore for Kent County, who are hereby authorized and required to see the same done and performed at or before the time aforesaid, and return a certificate thereof as aforesaid, under the penalty aforesaid, to be recovered as aforesaid.

An Act of Repeal of all Laws heretofore made in this Province, and Confirming all Laws made this General Assembly.

BE IT ENACTED by the King and Queens most Excellent Majesty's by and with the Advice and Consent of this present General Assembly and the Authority of the same, That those private Acts heretofore made at a General Assembly begun and held at the City of St. Mary's the 15th. day of May Anno Domini 1676. to wit, An Act for Settling the Inheritance of the real Estate of Robert Cager, as also his Personal Estate upon the Mayor, Recorder, Aldermen & Common Council of the City of St. Mary's and their Successors for the uses in the said Robert Cagers Will mentioned, as also these other private Acts made at a General Assembly begun and held at the City of St. Mary's the 20th. day of October Anno Domini 1678. to wit, An Act for the Naturalization of Joshua Guilbert, and one other Act for the Naturalization of James Peane and Magdeline his Wife, Ann Peane and Jacob Lookerman of this Province, and one other Act concerning the securing a Plantation with it's Appurtances to Mary Ward Executrix of the last Will and Testameur of Mathew Ward of Talbot County deceased, to her and her Heirs for ever. And that all other private Acts whatsoever heretofore made be confirmed, ratysied, deem'd, reputed, and taken to be in full Force, any Act or Acts heretofore made to the contrary notwithstanding.

The following Laws were made at an Assembly held in October 1695.

An Act for laying an Imposition on severel Commodities Exported out of this Province.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from & after the publication hereof no person or persons whatsoever inhabiting or residing within this Province shall Export any Furrs or Skinns within this Act hereafter mentioned & exprest for England, or any his Majesty's Plantations here in America, but what he she or they shall pay unto his Sacred Majesty and his Successors to be employed towards the maintenance of a Free School or Schools within this Province aforesaid, the severel Duty's and Imposts hereafter following; that is to say for every Bear Sinn nine pence Sterling, for a Beaver four pence per Skinn, for an Otter three pence per Skinn, for wild Catts, Foxes, Minks, Fishers and Woolf Skinns one penny half penny per Skinn, for Muskratt four pence per dozen, for Racoons three farthings per Skinn; for Elk Skinns twelve pence per Skinn, for Deer Skinns drest or undrest four pence per Skinn, for young Bear and Cubb Skinns two pence per Skinn; And that all non Residents from and after the publication aforesaid, that shall export out of this Province

Province aforesaid any Furrs or Skinns herein before mentioned and expressed for England or to any his Majesty's Plantations as aforesaid, shall for every Skinn or Furrs by him exported of what nature or quality forever being comprized within this Act, pay unto his Majesty or his Successor for the use aforesaid double the Duty by this Act appointed to be paid by Persons inhabiting and residing within this Province as aforesaid the same several Impositions to be collected by the several and respective Naval Officers within this Province which said Naval Officers shall once a year render an Account of the said Imposition to the Governors Trustees and Visitors of the aforesaid Free-school or Schools for the time being who shall and are hereby authorized and empowered to order and dispose of the same, to the Uses Intents and Purposes aforesaid. And to the end the several Impositions may be justly and duly paid without Fraud or Deceit.

BE IT ENACTED By the Authority aforesaid, that any person or persons whatsoever exporting any Furrs or Skinns out of this Province, shall at or before the shipping on Board of such Vessel in which such Skinns or Furrs shall be exported as aforesaid, render upon Oath an Account of the nature quantity and quality of the said Skinns by him her or them exported as aforesaid, and whether the same be his her or their proper Goods and Commodity's, or the Goods and Commodity's of any other person or persons, then whether he she or they to whom they properly belong as aforesaid, be Inhabitants or Residents of this Province aforesaid, which said Oath shall be exhibited by the several and respective Naval Officers or their Deputy's thereunto especially appointed, and if any person or persons whether Inhabitants or non Residents shall put on Board any Ship or other Vessel any Furrs or Skinns for which he she or they shall not have paid the Imposition aforesaid, or given good and sufficient caution for the same to the Naval Officer of such Port and Place from whence such Furrs and Skinns shall be Shipp'd as aforesaid, or to his Deputy for the time being, and a Certificate from under the Hand of such Naval Officer or his Deputy produce for the payment or caution by him given for payment of the Imposition aforesaid, he she or they so offending shall forfeit and loose all his her or their Furrs or Skinns so Shipped as aforesaid, one half thereof to his said Majesty and his Successors for the use aforesaid, the other half to him or them that shall inform and Sue for the same, to be recovered by action of Debt, Bill, Plaint, or Information wherein no Essoyn, Protection, or wager of Law shall be allowed. And that the Master of any such Ship or Vessel that shall willingly or knowingly take on Board his said Ship or Vessel any Furrs or Skinns as aforesaid, for which the party or party's Shipping the same shall not produce a certificate as aforesaid, being thereof Lawfully convicted shall forfeit and pay the Sum of five thousand pounds of Tobacco, one half thereof to his Sacred Majesty and his Successors for the use aforesaid, the other half to him or them that shall inform or Sue for the same to be recovered as aforesaid, and that the several and respective Naval Officers of the several and respective Ports may and are hereby Authorized and Impowered when, and as often as he or they shall think fit to enter into any Ship or Vessel trading to and from this Province, or into any House, Ware-House, or other Building and open any Trunk, Chest, Cask or Fardle, and search to make in any part or place of such Ship or Vessel, Houses or Buildings as aforesaid, where such Naval Officer shall suspect any such Furrs or Skinns to be as aforesaid, for which no Account is given or Duty paid as aforesaid, and upon finding any such Furrs or Skinns unqualified for exportation as aforesaid, them to seize and have condemned, as by this Law is before directed.

And Be It Further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that from and after the publication hereof as aforesaid, all persons not being Inhabitants of this Province exporting out of the same any beef pork or bacon shall pay unto his Sacred Majesty and his Successors for the use in this Act beforementioned and express the several Imposts following, (that is to say) for dried beef and bacon twelve pence the hundred weight, and so proportionably for greater or lesser quantity's, and for beef or pork undried twelve pence the Barrel, each Barrel to contain two hundred weight; And that no undried beef & pork be exported out of this Province but in Cask as aforesaid, which said several Impositions shall be collected and gathered by the said several and respective Naval Officers who shall be accountable for the same, and have full Authority

36 *for laying an imposition on several commodity's exported out of this Province.*

to enter any Ship or other Vessel as aforesaid, and to make search for every such prohibited Goods as aforesaid, in such method and maner as in this Act is before mentioned and exprest; and if any person whatsoever being non Resident as aforesaid, shall put on Board any Ship or Vessel any beef, bacon or pork for which he she or they shall not have a certificate as aforesaid, or that shall Ship on Board any beef or pork undried, nor being in Cask as aforesaid, such person or persons so offending shall forfeit & loose all his her or their meats so Shipped as aforesaid, one half to his said Majesty and his Successors to the use aforesaid, and the other half to the Informer to be recovered as aforesaid.

And every Master of a Ship or other Vessel that shall wittingly or knowingly take on board his said Ship or Vessel any beef, bacon or pork contrary to the true intent and meaning of this Act, being thereof Legally Convict shall forfeit & pay the Sum of five thousand pounds as Tobacco, one half thereof to his said Majesty or his Successors for the use aforesaid, the other half to the Informer or him or them that shall Sue for the same, to be recovered as aforesaid.

And for the better understanding what persons shall be adjudged non Residents, It is hereby Declared and Enacted by the Authority aforesaid, that all persons whatsoever trading to and from this Province shall be adjudg'd, deem'd, & taken as non Residents not having a Seated Plantation of fifty Acres at the least whereon he or she with their Family (if any) have resided, for and during the space of one whole Year, and that within the time and term of twelve Months before any benefit claimed in and by vertue of this Act, or that hath, or hereafter shall have an House in some Port or Town as his or their proper Freehold being forty foot in length & twenty foot in breadth with two Brick Chimneys to the same, wherein he she or they shall have resided for and during the space of one whole Year as aforesaid, and that no such person or persons trading to and from this Province having Houses in any Town or Port within the same, whereby he she or they may claime any Benefit or Freedom in this Act given to the Inhabitants thereof, shall Have Hold or Enjoy, such Benefit and Privilege as aforesaid any longer then he she or they or his her or their Family shall in such Port or Town actually inhabit & reside. Provided allways that it is the true Intent and Meaning of this Act, that no Person or Persons whatsoever as shal' trade directly from *England* hither be construed, deem'd, reputed, or taken as Foreigners, but that all and every such person so trading directly from *England* to this Province as aforesaid, have free Liberty in the Exportation of any Skins or Furs whatsoever, or in the Exportation of any meat dried or undried equal with the Inhabitants of this Province, paying such Duty's and Impositions for the said several and respective Commodity's as this Law hath impos'd upon the Inhabitants as aforesaid and no more.

And Be it also further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid, that one former Act of this Province, Intituled an Act for the laying an Imposition upon several Commodity's Exported out of this Province, be and is hereby Repealed.

Provided allways, and it is the true intent and meaning of this Act, that no person or persons whatsoever having in any part Transgressed against the aforesaid Law during the time it was in force being as yet undiscovered or unprosecuted for the same; shall have and receive any benefit or advantage by the repeal thereof but that upon the prosecution or discovery of such person or persons so having offended as aforesaid, the said Laws shall be pleadable in any Court within this Province, wherein any Plaint or Information shall be brought against any such person or persons as aforesaid, and Judgment thereupon by the Justices of the said Court given as the nature of the case shall require, in as full and ample manner as though the said Law at the time of the prosecution aforesaid were then actually in Force, any thing before mentioned or recited to the contrary hereof notwithstanding.

An Act for the securing Persons Rights to Town Lands.

WHEREAS it is represented to this General Assembly that several persons of this Province and others, that have taken up Lotts in several Towns Lands laid out and Surveyed for Towns according to the directions of several Laws of this Province heretofore made, that is to say, one Law made at a
General

for securing persons Rights to Town Lands.

Generall Assembly held at the Ridge in *Ann Arundell* County the 21 day of October 1683. intituled *An Act for Advancement of Trade* and one other Act made at a General Assembly held at the City of St. Marys the first day of April 1684. intituled an additional and supplementary Act to the Act for advancement of Trade, and one other Act made at a General Assembly held at the City of St. Marys the 27th. day of October, intituled a further additional Act to the Act for advancement of Trade and the Supplementary Act of the same. as by the same severall Acts of Assembly remaining upon Record in the Secretary's Office of this Province may appear. And notwithstanding severall persons who relying and depending upon the Benefits & Priviledges in the said Laws granted, have taken up Lotts in the said Towns entered them and paid for them or were ready to pay for them as the Law directed, and have built and improved thereon, yet they are now threatened disquieted and disturbed by the persons claiming Right to the said Lands upon pretence that because that the said Acts are since repealed, the Titles of such Takers up Builders and Improvers are destroyed and die with the said Acts of Trade, contrary to the true Sense or rational Construction of the same Laws or any other of like nature, to prevent therefore and take off all such unnecessary Scruples and Doubts thereof.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, That all and every person or persons that during the continuance of the before mentioned Acts of Assembly did take up, pay for, or tendered or were ready to pay for any Lott or Lotts of Land in any Town Land laid out and allotted for Town Lands by the former Laws or any of them and the same Lott made due entry thereof, and hath built and improved upon the same, and followed the directions of the above mentioned Laws, they the said person and persons so taking up entering building on and following the directions of the said Laws, their Heirs & Assigns shall have hold and enjoy a good sure indefeazable Estate of Inheritance in Fee Simple of in and to every such Lott and Lotts of Land so taken up and built on as aforesaid, according to the said Laws directions to them and their Heirs for ever, as fully largely and amply to all intents and purposes as if the said former Laws were still in force or had never been Repealed.

Provided always, that where any person or persons that hath so taken up built and improved, and hath not paid the price set upon the same, that every such person is hereby injoynd to pay the said value of the said Lott to the Owner and Claimer of the said Land upon demand without fraud or covin.

An Act for the Naturalization of Michael Curtis and others.

At an Assembly held at the Town of Annapolis the 30th. day of April in the VIII. Year of the Reign of our Sovereign Lord King William the III. of England &c. Annoq. Domini 1696, were Enacted,

An Act empowering the Commissioners of the County of Kent to purchase three Acres of Land whereon to build a Court House.

An Act for speedy Justice and Incouragement of Trade.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication hereof, if any person or persons whatsoever be owing to any person or persons residing within, or trading into this Province any Sum or Sums of Tobacco or Mony being above the Sum of two hundred pounds of Tobacco or twelve Shillings, and not above the Sum of ten thousand pounds of Tobacco or fifty pounds Sterling, being due by Bill, Bond, Note, Book or Account, or by any publick or County allowance, or any Officers Fees where Execution is not given by Law for the same, and the party Creditor

for speedy Justice &c.

as desirous of a speedy recovery of the same, he shall and may by virtue of this Law recover the same in manner and form following, that is to say, when the Party Plaintiff Sues out his Writt against the Defendant he shall deliver therewith a true Copy of his Declaration against the Defendant to the Sherrif with the Writt and if the Sherrif can serve the said Writt eight days before the day of the return thereof, and at the time of serving the same shall deliver the Defendant a Copy of the Declaration, the said Defendant shall and is hereby bound & oblig'd to come to a Tryal with the Plaintiff upon the Cause at the return of the said Writ without any Imparlance or Reference whatsoever. And it shall and may be Lawful to the Justices of the severall County Courts before whom such matters shall be brought, to award Judgment against such Defendant upon his refusal or neglect to plead or answer, except in some very extraordinary Cases or Accidents at the discretion of the Justices, and for the ascertaining the allowances of the publick Leavy of this Province and what each person has therein, and for recovery of the same the Sherrif of every County shall at the next County Court after the publick Leavy or allowances comes to his hands deliver a Copy thereof to the Clerk of the County Court sign'd by him as a true Copy under the penalty of two thousand pounds of Tobacco for every time such Sherrif shall fail therein, to the use of the Vestry of the parish where the Sherrif dwells, and the Clerk shall make a true Copy thereof attested by him and set up at the Court House, that all persons having any allowance therein may take knowledge thereof, and the other part shall Record, under the penalty of two thousand pounds of Tobacco to the use aforesaid, which Fines and Forfeitures shall and may be recovered in any County Court by the Vestry as aforesaid, by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law shall be allowed.

An Act for the Naturalization of John Edgar of Somerset County?

Laws made in July 1696.

An Act for Satisfying and keeping Holy the Lords Day commonly called Sunday.

Repealed 1723. c. 14 - v. 2. A. 1758

FORASMUCH as the Sanctifying and keeping Holy of the Lords Day commonly called Sunday hath been, and is esteemed by the present, all the Primitive Christians and People to be a principal part of the Worship of Almighty God, and the Honour which is due to his Holy Name.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication of this Law, no person or persons whatsoever within this Province shall work or do any bodily labour or Occupation upon the Lords Day commonly called Sunday, nor shall command or wilfully suffer any of his her or their Children, Servants or Slaves to work or labour as aforesaid, (the works of absolute necessity and Mercy always excepted) nor shall suffer or permit any of his her or their children, servants or slaves, or any other under their Authority to abuse or prophane the Lords Day as aforesaid, by Drunkenness, Swearing, Gaming, Fowling, Fishing, Hunting or any other Sports Pastimes or Recreations whatsoever. And if any person or persons within this Province from and after the publication hereof shall offend in all, or any of the Premises, he she or they so offending shall forfeit and pay for every offence the Sum of one hundred pounds of Tobacco to the use of the poor of the parish where the said Offender or Offenders do dwell and reside, the said offences or any of them being done in view of any Justice of the Peace, Magistrate or other head Officer of any County, City or Town Corporate within this Province within their limits respectively, or being proved by the Oath of two or more Witnesses, or by Confession of the party offending before any such Magistrate, Justice or head Officer within

within their several Limits respectively wherein such offences shall be committed, to wick End every Justice, Magistrate or other head Officer shall have power by this Act to administer Oath to such Witness or Witnesses, any of which Sum o Sums of Tobacco so forfeited shall and may be executed and leavyed by the Sher- rif or Constable by Warrant to any of them directed from any such Justice or Just- ices of the Peace, Magistrate or other head Officer as aforesaid within their several Limits, where all or any of the said offences shall be committed or done, by dis- tress or sale of the Offenders Goods rendering the party the overpluss, all which Forfeitures shall be to our Sovereign Lord the King his Heirs and Successors to the use aforesaid, to be recovered in any Court of Record within this Province by any person that will Sue for the same, by Bill Plaint or Information, wherein no Es- soyn Protection or Wager of Law to be allowed. And the said Justices, Magis- trates, head Officers, Sheriffs or Constables shall render an Account thereof at the next Court to be holden for the respective County's, City or Burroughs where the said offence shall be committed; And in default of such distress the Sheriff, under- Sheriff, or Constable are hereby Authorized and Impowered to bring the party offending before the next Justice of Peace, who is hereby authorized and impow- ered to bind such Offender or Offenders over to the next Court to be holden for the County, City or Burrough respectively, and to be during the interval of good behaviour.

And Be It Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Minister of each respective Church or Chapel of this Province, do in pursuance of his Majesty's Royal Letter directed to the Right Reverend Father in God Henry Lord Bishop of London, and Countersigned by the Right Noble Prince Charles Duke of Shrewsbury their Majesty's principal Secre- tary of State, bearing date the 13th. of February Anno Domini 1689. to be com- municated to the Provinces of Canterbury and York, by himself or Clark read four times a Year, all penal Laws of this Province made for punishment of Vice, to- gether with his said Majesty's Royal Letter within their several and respective Parishes, on penalty of two thousand pounds of Tobacco to be recovered as afore- said, to the use aforesaid.

Be It likewise Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that no Ordinary Keeper or any other Master or Mistress of a Family from and after the time aforesaid, either directly or indirectly by any Co- lour or pretence whatsoever, (unless in cases of absolute necessity) shall or may upon the Lords Day sell any strong liquor whatsoever to any person whatsoever, or knowingly or wittingly suffer or permit in or about his her or their House or Houses any tipling, drunkenness, gaming, exercise or pastime whatsoever as afore- said, being Convicted thereof by two sufficient Witnesses shall forfeit the Sum of two thousand pounds of Tobacco, one moiety thereof to our Sovereign Lord the King his Heirs and Successors to the use aforesaid, the other half to him or them that shall Sue for the same to be recovered as aforesaid, and if an Ordinary-keep- er to loose his Licence.

And It is hereby further Enacted, that the several Clerks of the several County Courts within this Province be obliged hereby to suffer and permit the several Clerks of the several Vetry's to take Copy's of all and singular the Acts of Assem- bly relating to Religion gratis, without taking or receiving any Fee therefore, under penalty of two thousand pounds of Tobacco to such County Clark refusing the same to the use aforesaid, to be recovered as aforesaid.

Petition from the Free Schools

To his most Excellent MAJESTY,

Dread Sovereign,

FROM the Sincerity of our humble & Loyal Hearts, we offer to your Sacred Person our most dutyful & sincere thanks for your Royal Care & Protection to us, for your Majesty's Princely Zeal & Pious Care of our Mother the Church of England, and extending your Royal Benediction to our Neighbouring Colony, your Majesty's Subjects and Territory of Virginia, in your gracious Grant and Charter for the propagation of the Colledge or Place of universal Study in that your Majesty's said Colony. In humble Contemplation whereof, and being Ex- cited by his present Excellency Francis Nicholson Esq: your Majesty's Governour

of this your Province, his Zeal for your Majesty's Service, Pious Endeavours: & generous Offers for the propagation of Christianity and good Learning, herein we become humble Suitors to your most Sacred Majesty to extend your Royal Grace & Favour to us your Majesty's Subjects of this Province represented in this your Majesty's General Assembly thereof, that it may be Enacted,

And MAY IT BE ENACTED by the Kings most Excellent Majesty by and with the Advice Prayer and Consent of this present General Assembly and the Authority of the same, That for the propagation of the Gospel, and the Education of the Youth of this Province in good Letters and Manners, that a certain place or places for a Free-School or Schools, or place of Study of Latine, Greek, Writing and the like, Consisting of one Master, one Usher, and one Writing Master or Scribe to a School, and one hundred Scholars, more or less according to the ability of the said Free-School, may be made, erected, founded, propagated & established under your Royal Patronage, And that the most Reverend Father in God Thomas by Divine Providence Lord Archbishop of Canterbury Primate & Metropolitan of all England, may be Chancellor of the said Schools, and that to perpetuate the Memory of your Majesty it may be called King William's School, & managed by certain Trustees to be chosen & appointed by your Sacred Majesty, (to wit)

as also by the following Trustees nominated and appointed by this present general Assembly, that is to say, by your Majesty's said Governour Francis Nicholson Esq^r The Honourable Sir Thomas Laurence Barro-Knight, Colonel George Robotham, Colonel Charles Hutchins, Colonel John Addison of your Majesty's Honourable Council of this Province; The Reverend Divine Mr. Peregrine Conny and Mr. John Hewett, together with Robert Smith, Kenelm Chesledyn, Henry Courley, Edward Dorsey, Thomas Enalls, Thomas Tasker, Francis Jenkins, William Dent, Thomas Smith, Edward Boothby, John Thompson and John Bigger Gentlemen or the greatest part or the Successors of them, upon and in a certain place of this Province called *Ann-Arundel Town upon Severn River*, and at such other place or places as by the General Assembly of this Province shall be thought convenient & fitting to be supported & maintained in all time coming, and that your Majesty will for your Heirs and Successors grant and give leave to the said Francis Nicholson Esq^r and Trustees aforesaid, or the major part or longest Livers of them that they may be enabled to take, hold and enjoy, and that they may be apt & capable in Law for taking, holding and enjoying all Manors, of Lands, Tenements, Rent Services, Rectory's, Portions, Annuity's, Pensions, with all other Inheritances, Franchises and Possession whatsoever Spiritual or Temporal to the value of fifteen hundred pounds Sterling, and all other Goods, Chattels, Money and Personal Estate whatsoever of the Gift of any persons whatsoever that is willing to bestow them for the said use, or any other Gifts, Grants, Assignments Legacies, or Appointment of the same, or of any of them or of any other Goods whatsoever with this express intention and trust put in them, That the said Francis Nicholson and other the Trustees aforesaid, or the major part or longest livers of them, shall take and hold the premisses and shall dispose of the same and of the Rents, Revenues, and Profits thereof or of any of them; onely for defraying the Charges that shall be laid out in erecting and fitting the Edifices of the said intended Free-school or Schools as they or the major part of them shall think most expedient, until the said Free-school or Schools shall be actually erected, founded, and established. And upon the Trust and Intention, That as soon as the said Free-School or Schools shall be erected and founded: the said Francis Nicholson and other the Trustees above named, shall from time to time and at all times hereafter apply all such Lands Tenements Rents Annuity's Goods Chatels Profits Incoms or Advantages whatsoever Reall or Personall, or as much as shall not be laid out and bestowed upon building the said Free-school or Schools as aforesaid as shall be hereafter expressed. And that when the said Free-school or Schools shall be so erected and established. the said Francis Nicholson and other the Trustees above named or the major part or longest livers of them shall Apply and appropriate to the Use Benefit and Maintenance out of the Revenues or Incoms to the said Trustees to the use aforesaid, the sum of One hundred & twenty Pounds Sterling per Annum for the salary support & maintenance of the said first mentioned Free-school, Master Usher & Scribe, and the necessary Repairs and Improvements of the same, as to the said

said Francis Nicholson and Trustees aforesaid, the major part or Survivors of them shall seem expedient from time to time to ordain in the Premises, and that for the uses and purposes aforesaid, they the said Francis Nicholson and the Trustees aforesaid, the Survivor or the major part of them shall and may be incorporated into a Body politick by the Name of the Rectors, Governours, Trustees, and Visitors of the Free-Schools of Maryland, with full power to plead and be impleaded, to Sue and be Sued, to defend and be defended, to answer and be answered in all and every Cause, Complaint and Action, real, personal and mixt of whatsoever kind and nature it shall be, whatsoever Courts and Places of Judicature belonging to your Majesty your heirs or Successors, or by from or under your Royal Grant or Authority, and that your Majesty will be graciously pleased to give and grant your special Licence as far as your Majesty sees expedient to the said Francis Nicholson Esq^r and the other Trustees aforesaid, that they or any of them, or that any person or persons whatsoever after the said Free-School or Schools is, or are so erected, founded and established or before, may have power to give and grant, assign and bequeath all or any manner of Lands, Tenements, Rents Services, Portions, Annuity's, Pensions, Inheritances, Franchises and Possessions whatsoever Spiritual or Temporal to the value of fifteen hundred pounds Sterling *per Annum* besides all Burthens, Reprizals and Reparations to them the said Francis Nicholson and other the Governours, Trustees and Visitors of the said Free-schools of Maryland, the major part or Survivors of them incorporate for the uses aforesaid, to them and their Successors for ever.

And further, that the said Francis Nicholson and other the Governours, Trustees and Visitors aforesaid the longest Livers and Successors of them, be the true, sole and undoubted Visitors, Trustees and Governours of the said Free-school or Schools in perpetual Succession for ever, to be continued in the way and manner hereafter specified, with full & absolute Power, liberty & authority in making and ordaining such Laws, Orders and Rules for the good government of the said Free-school or Schools, as to them the said Trustees, Governour and Visitors aforesaid and their Successors, shall from time to time according to the various occasions and circumstances seem most fit and requisite, all which shall be observed by the Master, Usher, Tutors and Scholars of the said School, upon the penalty therein contained.

Provided notwithstanding, that the said Rules, Laws and Orders be no ways contrary to your Majesty's Prerogative Royal, nor to the Laws and Statutes of your Kingdom of England or Province of Maryland aforesaid, or to the Canons and Constitutions of the Church of England by Law Established, and that they the said Governours, Visitors and Trustees aforesaid and their Successors, shall for ever be Eighteen Men, and not exceeding Twenty in the whole, to be elected & constituted in the way and manner hereafter specified, of which one discreet and fit person that shall be called Rector of the said Free-school and Schools, and that from time to time, and in all times coming the said Rector shall exercise the said Office during one Year (Death and Legal Disability excepted) and after till some others of the said Visitors and Governours of the said School or Schools shall be duly elected, preferred and Sworn to the said Office, & that from time to time, and at all times coming after the said Year is expired; or after the death of the said Rector, the Year the Visitors or Governours of the said School or Schools or the greatest part of them or their Successors should have power to elect and nominate another discreet and fit person from amongst themselves to be Rector of the said Free-school or Schools, and that he who is so elected, preferred and nominated into the place of Rector as aforesaid shall have power to have, exercise and enjoy the said Office of Rector for one whole Year except before excepted then next ensuing, and thereafter until some other Rector of the said School or Schools, shall be duly elected, preferred to and Sworn in the said Office, and to perpetuate the Succession of the said Governours, Rectors and Visitors, and that as often as one or more of the Governours or Visitors of the said School or Schools, shall die or remove himself and family out of this Province into any other Country for good & all; That then and so often, the Rector for the time being and the other Visitors and Governours of the said Free-School and Schools then surviving and remaining within the Province or the major part of them, shall and may have leave to Elect, Nominate and Choose one or more of the principall or better sort

of the Inhabitants of the said Province into the place or places of the said Visitor and Governours so dead or removed, and so to fill up the number of the Visitors & Governours for the said School and Schools, and that he and they be elected and chosen shall take his and their Corporal Oath before the Rector and other Visitors and Governours as aforesaid, or the major part of them well and faithfully to execute the said Office, which Oath the Rector and two or more of the said Visitors shall have power to administer, and that after taking the said Oath he or they shall be of the number of the said Visitors and Governours of the said School or Schools.

And further, that the said Rector for the time being by and with the Advice & Consent of three or more of the said Governours and Visitors shall and may from time to time and as often as need shall require and they see convenient call and convocate the said Governours and Visitors together, to do, consult and consent to such things as for the propagation, good and benefit of the said Free-school or Schools shall be ordained and established, and that the said Governours and Visitors shall and may hold such their Court or Convocation in such Free-school or such part thereof as to them shall seem convenient, and shall and may from time to time punish any disorders, breaches, misdemeanors or offences of any Master, Usher, scribe or scholars of any such free-school or schools, against any orders, Laws or Decrees of the said Governours & Visitors aforesaid, and if they find cause to alter, displace and turn out any Master, Usher or Scribe of any such School or Schools, and put others in their Steads and Places as to the said Rectors, Governours and Visitors of the said School or Schools, or the major part of them shall seem convenient and fitting, and also that the said Rectors, Governours and Visitors of the said Free-school or Schools and their Successors shall have one common Seal which they make use of in whatsoever cause and business belonging to them and their Successors relating to the said Office of Rector, Governours & Visitors of the said Free-school and Schools, and that the said Governours and Visitors may have leave to break, change and renew their said Seal from time to time at their pleasure as they shall see most expedient.

And further, that it may please your Majesty to grant to the said Rector, Governours and Visitors aforesaid of the said Free-school or Schools aforesaid, that as soon as they shall be enabled by any Gifts, Grants, Pensions, Donations or Incoms of any Mannors, Lands, Tenements or other Estate whatsoever real or personal exceeding the Sum of one hundred and twenty pounds *per Annum*, allotted and allowed for support and reparations of the first free-school at *Seavern* as aforesaid, that then as they shall be enabled as aforesaid, the said Rector Governours and Visitors shall proceed to erect found and build one other Free-School at the Town of *Oxford* on the Eastern shoar of this Province in *Talbot County*, or in such place of the same County as to the said Rector Governours & Visitors aforesaid shall seem most expedient. And after the same shall be built founded & established, to appropriate and apply to the said second Free-School out of the Treasure accruing to them for the Benefit and Advantage of Free-Schools aforesaid over & above the One hundred and twenty pounds per Year allowed as aforesaid to the first Free-School. The like sum of One hundred and twenty pounds per Year for the Benefit Advantage and Support of such second Free-School, and shall and may place a Master Usher and Scribe thereon as in the other first Free-school as aforesaid, and shall in all respects be under the same benefits, privileges, Injunctions and Restrictions as the said first Free-school, and also after the said second Free-school is built, erected founded and furnished the said Rectors, Governours & Visitors shall as fast as they shall be enabled as aforesaid, proceed to the erecting other and more Free-schools in this Province, that is to say in every County of this Province, at Present one Free-school, and shall and may be impowered to establish, constitute, injoy n and restrain to & under the same benefits advantages, injunctions and restrictions as aforesaid, and appropriate and apply such & so much of the said Revenue not before disposed or ordained to each Free-school, as to them shall seem most convenient and expedient, not exceeding one hundred and twenty pounds *per Annum* as aforesaid.

And Be it hereby Enacted by the Authority aforesaid, that a supplementary Act for Free-schools made at a Session of Assembly begun and held at the City of *St. Marys* the 21st. day of *September* 1694. be and is hereby utterly repealed and made void.

An Act for keeping good Rules and Orders in the Port of Annapolis.

Laws made at a General Assembly held at the Port of Annapolis the 26th Day of May Anno Domini 1697.

An Act for the confirming Titles of Land given to the use of the Churches and several Chapels within this Province, empowering the Commissioners of the respective Countys and Vestrys of the respective Parishes to take up certain parcels of Land for the use of the same.

WHEREAS several pious and well disposed persons have given and granted unto the respective Parishes whereto they do belong certain parcels of Ground for the use and benefit of a Church and Church-yard, which said Land through the neglect of the Vestry's whereby an Act of Assembly of this Province made at a Sessions of Assembly held at the Port of Annapolis the twentieth day of July Anno Domini 1696. Intituled *an Act for the service of Almighty God & Establishment of the Protestant Religion*, were thereby capacitated and empowered by the names of the principal Vestryman and the rest of his Brethren Vestrymen of such Parish to take and receive any Deed or Gift for the same, notwithstanding the charges of the respective Parishes in building Churches or Chapels thereon is like to be lost, or the Title therunto very disputable, for want of such Deed of gift or Conveyance Inroled and Recorded as by the Act of Assembly is required, the first Donors or Grantors thereof being dead, and the Heirs of such Donors or Grantors either refusing to make over such Land as aforesaid, or under age not capable of so doing.

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that all such Lands as have formerly been given to the use of any Church or Chapel, & for which the Donors or grantors thereof in their Life times having not given any Deed of Gift for the same, or otherwise refusing so to do, and in confidence of whose promise the Parish have been at the charge of erecting and building their Churches thereon, be and remain to the use of the Parish for ever, against all Claims or pretensions of Claims made, or that hereafter shall be made by such Donors or Grantors, or his or their Heirs Executors or Assigns as firmly and absolutely as if the same had been made over by Deed of Gift, Grant or otherwise inroled and Recorded as aforesaid.

And to the end it may be known what Lands have been so given to the use of any Church or Chapel aforesaid and made over and confirmed by Deed of Gift or Grant as aforesaid, the Grand Jury in each respective County within this Province next after the publication of this Act shall have in charge to inquire by what titles such Lands, whereupon the several Churches or Chapels aforesaid, within the respective Parishes and in their Precincts are held: and to render an Account thereof to the Court, who are hereby empowered where any such Lands shall appear to be given and not confirmed as aforesaid, in open Court to examin Witnesses *in perpetuam Rei Memoriam*, and the same Cause to be Recorded in the County Records, which shall be deemed, adjudged and taken in all Courts of Record within this Province as sufficient proof of the Donation or Grant, as also to the quantity of Acres given or granted as aforesaid, and in case it shall appear upon such examination, that Lands have been given for the use of any Church, Chapel and Church-yard as aforesaid, but the quantity thereof not mentioned by the Donors or Grantors thereof as aforesaid, that then, and in every such case, the Vestry of the respective Parish where such Gift or Grant hath been made, and the quantity not ascertained as aforesaid, may demand and take of such Lands for the use of the Church and thereto adjacent two Acres and no more, which they shall cause to be Surveyed and staked out, and make return of two Certificates thereof, one of which must be Recorded in the County Court, and the other in the high Court

Chancery, there to be Registred in *perpetuam Rei Memoriam* as aforesaid.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that where the Vestry of any Parish within this Province have, or shall think convenient to place either Church or Chapel of Ease within their respective Parishes for the better conveniency of their Parishoners, but the Owner or Owners of such Land chosen out and appointed by such Vestry as aforesaid, for the use of their Parish aforesaid, either refusing to make sale thereof, or being unreasonable in his or their demands for the same, or otherwise incapacitated by non-age, *non sane memoria*, or being beyond the Seas, that then and in every such case, the respective Vestry's of the respective Parishes shall apply themselves to the Commissioners of the County Court whereto they belong, upon whose application the said Commissioners shall forthwith grant their Warrants to the Sherriif of their County thereby requiring him at a certain day and time to be by them nominated and appointed to impanel a Jury of substantial Freeholders next adjaecnt to the Land in quest aforesaid, which said Commissioners and Jury aforesaid shall proceed in all things as by another Act of Assembly Intituled (*an Act empowering the Commissioners of the severall and respective Countys to take up and purchase Lands for their County Court Houses*) they are directed not exceeding two Acres, as before in this Act is mentioned and exprest, any thing in this Act, or any other ordained to the contrary notwithstanding.

An Act for the better enabling Mrs. Catherine Herman Widow and Relict of Colonel Casparus Augustin Herman deceased, to sell Land in the Port of Annapolis according to the contract of her said deceased Husband.

An Act empowering the Commissioners of each respective County to purchase Lands for the use of their respective Courts.

WHEREAS it has been represented to this General Assembly that sundry Court Houses within this Province, for the better conveniency of their respective Countys have been built upon Land whereunto the Countys could make no legal Claim or Challenge, the Owners thereof either refusing to make sale, or otherwise incapacitated of so doing by reason of non-age, or being beyond the Seas, which evil if not prevented will be very prejudicial to such Countys who have already laid out and expended considerable Sums of Tobacco in erecting and building such Court Houses aforesaid.

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that the Commissioners of the severall and respective Countys within this Province, whose Court Houses are erected that did otherwise hold Courts on Lands whereunto the respective County can lay no just Title or Claim to as aforesaid, do at or before the tenth day of *April* next ensuing meet at their respective Court Houses (if any) or otherwise at such usual place where Courts are by them held as aforesaid, and there treat, contract and agree to and with the Owner or Owners of such Lands whereon such Court House shall stand or Courts be held as aforesaid, for such and so much Land in that part and place where such court house stands or courts held as aforesaid as to them may seem convenient for the use thereof not exceeding the quantity of three Acres, and upon agreement with such person or persons or persons partys Owners as aforesaid, or his or their Attorney or Attorneys by him or them empowered to make sale thereof, to receive a Conveyance thereof in the Name of his Majesty his Heirs & Successors, to the use of the County beforementioned, and the same shall Record in the County Courts as by Act of Assembly is required, and the Sum or Sums of Tobacco by them so contracted & agreed for to be Leavied by an equal assessment on the respective Countys for and in satisfaction of the purchases aforesaid. But in case such Owner or Owners, or his or their Attorneys Lawfully empower'd shall refuse to make sale thereof, or be unreasonable in his or their demands, or otherwise incapacitated to make sale thereof by reason either of non-age, *non sane memoria*

memoria or being beyond the Seas, that then and in every such case, it shall and may be Lawful for the Commissioners of the said several and respective Countys by virtue of this Act to issue out Warrants to the respective Sheriffs thereby commanding & empowering them to impanel a Jury of substantial freeholders within their respective Precincts at a certain day and time to appear before the said Commissioners on the Lands aforesaid, which Jury upon their Oaths to them first administered by the said Commissioners are to inquire into the true value of such and so much of the said Land as by the Commissioners they shall be directed not exceeding three Acres aforesaid, and to assess such damage and recompence for the same as they shall think fit to be awarded to the Owners and others on their behalf intrusted, and the return of the Jury to be by them made in two parts, one whereof is to be sent to his Excellency the Governour & Council of this Province for the time being, the other to be Recorded within the several and respective County Court whereto they properly belong, shall be a perpetual Barr to the Claim or pretension of Claim made, or that shall hereafter be made to the whole or any part thereof by the owner or owners, or his or their heirs executors or assigns for ever. And the damage or recompence by the several and respective Jury's awarded for and in satisfaction of such Lands by them inquired of to the Owner or Owners thereof as aforesaid, shall be by the Commissioners of the respective Countys for the time being when thereunto required by such Owner or Owners or others Lawfully intituled to the damage thereof, to be levied and assessed in such method and manner as in this Act is before mentioned and expressed. And for the better ascertaining the bounds of the said Land so purchased or taken up for the use of the Countys aforesaid, it shall and may be Lawful to and for the said Commissioners who are also hereby empowered & required to issue out Warrants to his Majesty's Surveyors of the respective Countys whereto they belong to appear at such day and place to be by them appointed as aforesaid, then and there to survey and lay out in the presence of the Jury aforesaid such Lands by them taken up for the use of the County aforesaid, and the same at the end of each Angle shall bound with a good and substantial Locust Post, or other durable Wood to be six foot under ground at the least, and five foot above, as also such and so many Posts within the Angles aforesaid, as may be discovered from one to the other, which Posts when and as often as they shall decay the Commissioners shall cause new ones to be affixed in their places at the County Charge for ever, & the respective Surveyors return two Certificates of such Surveys by them made as aforesaid with fair Platts of the same, one whereof to his Excellency the Governour and Council as aforesaid, the other to be Recorded and kept in the County Court as aforesaid, any Law Statute Custom or Usage to the contrary notwithstanding.

And Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Lott whereon the Court House of *Dorchester County* now stands, together with the Tenements thereon being formerly taken up and purchased as Town Land, but the Records of those Lotts taken up being either imbezled or casually lost, be and remain to the use of the County for ever as firmly and absolutely as if the same had been actually conveyed by the true Owner or Owners thereof, any thing herein contained to the contrary notwithstanding.

An Act directing and appointing to what use the several Rooms in the State House in the Town and Port of Annapolis shall be applied to.

An Act for the Naturalization of Stephen Francis an Italian, and George Sleycomb a German born.

These following Laws were made the 3^d. day of April 1698. viz.

An Act vesting two Tracts of Land in John Gadsby sold him by George Norman.

An Act ascertaining the Bounds and Limits of Ann-Arundel and Baltimore Countys.

WHEREAS by an Ordinance of Assembly Anno Domini 1696. was appointed Capt. Richard Hill, Major John Hammond and Major Edward Dorsey of Ann-Arundel County Gent^r also Mr. George Ashman, Mr. Richard Crumwel and Capt. Thomas Hammond of Baltimore County Gent^r with the Surveyor, for the better division of the said County's of Ann-Arundel and Baltimore, it is humbly set forth by Thomas Richardson Surveyor, and the greatest part of the said Gent^r appointed, that in obedience to the said Ordinance they have made a perfect division of the said County in manner and form following, beginning at three marked Trees, viz. a white Oak, a red Oak and a Chesnut Tree standing about a Mile and a quarter to the Southward of Bodkin Creek on the West side of Choptapeak Bay, the marked red Oak on the right Hand for Baltimore County, the Chesnut Tree on the left Hand for Ann-Arundel, the white Oak in the middle, they standing near a Marsh and a Pond, and running thence West until it cross the Road from the Mountains of the mouth of Maggaty River to Richard Beards Mill, then continuing Westward with the said Road to William Hawkins path to two marked Trees the one for Ann-Arundel County & the other for Baltimore County, thence continuing along the said Road to John Locketts path to two Trees for the end and purposes aforesaid, then leaving the Road by a Line drawn West to William Stades path to two marked Trees as aforesaid, thence continuing West between the Draughts of Maggaty and Potapscow Rivers, until it come to a Mountain of white Stone Rock, still continuing West to a Road going to Potapscow to Peter Bonds to two marked Trees as aforesaid for the end and purpose aforesaid, thence continuing West to the main Road to Potapscow Ferry to two marked Pines standing near the ready Branch written at large on the North side of the said Trees Baltimore County, on the South side Ann-Arundel County; from thence with a Line drawn West North West to Elk Ridge Road to two marked Trees for the end and purposes aforesaid, thence continuing the same course of West North West to Patuxent River, and so up the said River to the Extent thereof for the Bounds of Baltimore County.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, That from and after the publication hereof, that all that Tract of Land lying on the North side of the said division Lines, Trees and Land Marks before express, with all the Inhabitants up the Bay, from the said Lines, Trees & Land Marks be always taken, reputed and be in Baltimore County, and, that all the Land and Inhabitants from the said division Lines, Trees and Land Marks on the South side of the said Lines Trees and Land Marks to the ancient extent of Ann-Arundel County be always taken, reputed and be in Ann-Arundel County, any Law Custom or Usage to the contrary notwithstanding.

An Act for the Naturalization of Peter Dwdee a French-Man in Somerset County.

An Act for the better division of St. Pauls and Shrewsbury Parishes.

An Act for Enabling Mrs. Elizabeth Norman Executrix of George Norman to make over two Tracts of Land to John Gadsby and his Heirs forever.

An Act empowering the Commissioners of Cecil County to hold a Court this present year in April.

Laws made at Annapolis the 20th day of October 1698.

+ the 4th of Nov. 1698

James Nicholas Esq. Secy.
An Act for ascertaining the bounds of a certain Tract of Land to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same.

IT Being most just that the Indians, the ancient Inhabitants of this Province, should have a convenient dwelling place in this their Native Country, free from the incroachments and oppressions of the English, more especially the Nanticoke Indians in Dorchester County, who for these many years have lived in peace and concord with the English, and in all matters in obedience to the Government of this Province, we the Burgeses and Delegates of this present General Assembly therefore do pray that it may be Enacted,

And BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that all the Land lying and being in Dorchester County, and on the North side of Nanticoke River, butted and bounded as followeth, beginning at the mouth of Chickacoan Creek and running up the said Creek bounded therewith to the head of the main branch of the same, and from the head of the said main branch with a line drawn to the head of a branch issuing out of the northwest Fork of Nanticoke known by the name of Francis Andertons branch, and from the head of the said branch down the said Andertons branch, bounded therewith to the mouth of the same, where it falls into the said Northwest Fork, and from thence down the aforesaid Northwest Fork bounded therewith to the main River, and so down the main River to the mouth of the aforesaid Chickacoan Creek, shall be unto Panquash and Annotoughquan and the people under their Government or charge and their heirs and successors for ever, any law usage custom or grant to the contrary in any wise notwithstanding, to be held of the Lord Proprietary and his Heirs Lords Proprietarys, or Lords Proprietarys of this Province; under the yearly Rent of one Beaver Skinn to be paid to his said Lordship and his Heirs as other Rents in this Province by the English used to be paid.

Provided allways, that it shall and may be Lawful for any person or persons that hath formerly taken up and obtained any Grants from the Lord Baltimore for any Tracts or parcels of Land within the aforesaid boundrys upon the Indians deserting or leaving the said Land, to enter, occupy & enjoy the same, any thing in this Law to the contrary notwithstanding.

And Be it further Enacted by the Authority aforesaid, that it may not, nor shall be Lawful for the Lord Baltimore to ask, have or demand any Rent or Service for any of the said Tracts or Dividends as may or hath been taken up as aforesaid within the said Indian boundrys until such time that the takers up or owners as aforesaid do enjoy or possess the same, any Law usage or custom to the contrary notwithstanding.

* An Act empowering Trustees to purchase Land adjoyning to the Fountains of healing Waters called the Cool Springs.

WHEREAS by the Favour of Almighty God there hath been of late a discovery made of Fountains of healing Waters called the Cool Springs lying in St. Marys County, whose healing quality has been experienced by many impotent & diseased persons to their great help and comfort, and for that so great Blessing, Benefits and Gifts of Almighty God may not be neglected, but a right use thereof made, it is thought most fitting and convenient, that a particular care should be first had of all such poor impotent persons as repair thither for cure, & for that purpose, or other such charitable or pious uses, a small Tract or parcel of Land near adjoyning to the said Fountains may be purchased, thereon to build & erect Houses for the entertainment of the said poor, and Fuel for Firing and other

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such

*No such provision at Serapam in
the White Sulphur A.D. 1698*

such necessary's for their Relief, the Delegates of this present General Assembly therefore pray it may be Enacted,

And BE IT ENACTED by the Kings, most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, That the persons hereafter named may and are hereby appointed Trustees for and on behalf of this his Majesty's Province of *Maryland* to buy and purchase in the name of our Sovereign Lord the King his Heirs or Successors for pious and charitable uses fifty Acres of Land adjoyning to and in which the said Fountains shall be included.

And Be it Enacted by the Authority aforesaid, that Colonel John Courts, Thomas Brooks Esq^r Capt^r James Keetch, Capt^r Jacob Moreland of *St. Marys* County, and Capt^r Phillip Hoskins, Capt^r John Bayne and Mr. Benjamin Hall of Charles County, or any three of them be and are hereby impowered, authorized and appointed Trustees as aforesaid, with sufficient power given them, whetby to enable them to treat with, buy and purchase in the name of our Sovereign Lord the King his Heirs or Successors for ever as aforesaid, to the uses aforesaid fifty Acres of Land or under convenient as aforesaid, and least prejudicial to the Owners thereof.

And Be it further Enacted by the Authority aforesaid, that the said Trustees herein nominated are hereby impowered sometime before the tenth day of *April* next ensuing to meet together upon the aforesaid Land, and then and there treat with and agree with the Owners and all persons interested in the same, and buy and purchase of such Owners and persons interested in the same Lands fifty Acres thereof or under near adjoyning to, and in which the said Fountains and Springs shall be included as aforesaid.

And Be it Enacted by the Authority aforesaid, that if the person or persons in whom the right or property of the said Land is, shall refuse to make sale thereof, or any other Legal Impediment shall disable him or them from making a good sure firm and inleseazable Right and Title to the said fifty Acres of Land or under, that then the said Trustees before mentioned shall call to their assistance the high Sherrif of *St. Marys* County aforesaid, who is hereby authorized and impowered to Summon and Impannel twelve good and lawful Men Freeholders of *St. Marys* county aforesaid, who upon their oaths shall value the said fifty acres of land or under according as it shall be surveyed or laid out to which purpose the said trustees are hereby authorized and impowered to call to their assistance the Kings Surveyor of *St. Marys* County aforesaid, who is hereby likewise authorized and impowered to survey and lay out fifty Acres of Land or under as aforesaid, according to the direction of the Trustees before nominated.

And Be it further Enacted by the Authority aforesaid, that for what Sum of Money or Tobacco the said Trustees shall agree to be paid for the purchase of the said fifty Acres of Land or under, shall by an equal assessment upon the Inhabitants of this Province be levy'd and paid to the owners or other persons by them appointed to receive the same, and that all and whatsoever the said Colonel John Courts, Thomas Brook Esq^r Capt^r James Keetch, Capt^r Jacob Moreland, Capt^r Phillip Hoskins, Capt^r John Bayne and Mr. Benjamin Hall Trustees as aforesaid, or any three of them shall execute and do in pursuance thereof shall and is hereby ratified, confirmed and approved of, and shall for ever hereafter be taken & deemed to be sufficient and valid in Law, and that the said Trustees be and are hereby indemnified and saved harmless of and from all manner of Suits and Damages that may at any time hereafter arise, for or by means of any Act or Acts by them to be done in and about the premisses, any Law usage or custom to the contrary in any wise notwithstanding.

L. 16. 16. 95
An Act to entitle William Coursey and Elizabeth his Wife, or the Survivor of them to sell and acknowledge such Land as were left by Colonel Vincent Low to be sold for the payment of his just Debts.

*An Act prohibiting Trade with
Deer and Wild Fowle.*

W HEREAS sundry of this Province, alle been made by several inhabitants at the Indians under pretence of killing wild Hoggs, do hunt and drive away their tame Hoggs & Cattle, and do moreover sell and trade with the Inhabitants of this Province, and likewise with foreigners and Strangers for Beef and Pork

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice & Consent of this present General Assembly and the Authority of the same, that no person or persons whatsoever, either foreigner or Inhabitant, all buy trade or barter with any Indian or Indians whomsoever for any flesh dead or living, except Venison, wild Fowl or Vermins, upon penalty of five thousand pounds of Tobacco, the one Moiety to the King for the Support of Government, the other moiety to the Informer or him or the one that shall sue for the same, the said Fines to be recovered in any Court of Record within this Province, wherein no Essoyn Protection or Wager of Law to be allowed.

An Act for the better administration of Justice in the County Courts of this Province.

F OR the administration of Justice and Regulation of the County Courts. BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that the Statute Books of England to this time, and Daltons Justice of the Peace be bought by the Justices of the Peace or Commissioners of the several County Courts at the charge of the respective County's to be kept in their several County Courts, that the Justices and Officers and others of the said Courts may have Recourse to the same as they shall have occasion, and that the Justices of the said Courts do purchase and procure the same by the first day of April next ensuing,

And Be it also Enact by the Authority aforesaid, that the Commissioners of each respective County Courts shall and may and are hereby impowered from time to time, & as often as to them shall seem convenient to make and ordain such necessary Rules and Orders for the well Governing and better Regulating the said County Courts and the Officers to the same belonging, and Suitors to the same, as to them in their discretion shall seem requisite, and under such Fines as they shall think fit, not exceeding one hundred pounds of Tobacco for any one offence, all which Fines to be employed to the use of the poor of each respective County, which Rules and Orders so by them to be made and ordained, shall be fairly transcribed by their several County Clerks and at every the County Courts set up at the Court House Door that all persons may view and peruse the same, & regulate themselves accordingly.

And Be it Enacted by the Authority aforesaid, that where any Judgment is had in any County Court for any matter or thing whatsoever, & after such Judgment is had the party against whom the same is had many times flies into another County out of the jurisdiction of the said Court, it shall and may be lawful for the Plaintiff to procure a Certificate from the said Justices of such party's flying, and thereupon the Justices of the Provincial Court shall award Execution against

*See Record of Original proceedings
between the 1st Rich. Tilghman & another for claim
set up to certain Negroes taken by Indians. some
by Rich. Tilghman & another.*

Administrator de bonis non Admini-
Baltimore County deceased, to sell a
Con on Safox River late the
by the name of Tibauld, and
the payment of his debts, pur-

for transferring over unto Major William Whittington the debts due from the Officers of Somerset County by vertue of an Act for raising a supply towards the defraying the public Charge of this Province.

4th Act ascertaining what damages shall be allowed upon protested Bills of Exchange.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that there shall not be allowed to any person or persons whatsoever having just cause to implead any person or persons whatsoever, living or residing within the Province, in any Court within this Province, upon any Bill of Exchange drawn for any Sum or Sums of Money whatsoever, payable in *England* or else where, and brought in here protested more than the Sum of twenty pounds *per Cent* damages over and above the debt Sued for and Recovered. together with ordinary Cost of Suit, any Law Statute Usage or Custom to the contrary notwithstanding.

An Act for Restraining the Extortions of Sherrifs, Subsherrifs and deputy Commissioners.

W H E R E A S there hath divers great Complaints from several Party's of this Province to this General Assembly; of several Sheriffs, Sub-sheriffs and deputy Commissary's of their exacting and extorting great Sums of Tobacco above their due, and Lawful Fees ascertained by the Act of Assembly of this Province from several of the Inhabitants of this Province, and tho' the Laws of this Province have inflicted a severe penalty upon any Officer that shall charge and receive more than his due Fees, yet the said Officers have most cunningly & craftily evaded the said Laws by taking Bills and Writings Obligatory without ever delivering any account signed under their hand as the law directs, so that the Party grieved cannot sufficiently prove the said Extortions, and so is left without Remedy, for prevention whereof,

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that no Sherriif, Subsherriif or deputy Commissary within this Province after the publication of this Act in their severall and respective Countys wherein they dwell, shall take any Bond, Bill or any other Writing Obligatory of any person or persons upon any pretence whatsoever without endorsing the Account on the back of the said Bond, Bill or Writing Obligatory for which the same was passed, and if any Sherriif, Subsherriif or deputy Commissary within the Province, shall during

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bly for Limitation of Actions

Be it further Enacted by the Authority aforesaid, that Officers
remain in Office shall not be reckoned or accounted in the limitation
that whereas it hath been the practice of several Sheriffs of this Province where
person hath been in prison at the Suit of two or three several persons, or hath
for the satisfaction of two or more several judgments for the Sheriff to charge
twenty a day for each Action or judgment. for prevention whereof,

Be it Enacted by the Authority aforesaid, that if any Sheriff after the publicati
on of this Act shall exact or take any more than twenty pounds of Tobacco per
day of any Prisoner, tho' he lies for the satisfaction of several judgments, he
shall be liable to the pains and penaltys of a certain Act of Assembly for Settling
Officers Fees.

An Act for Amerciaments in the Provincial and County Courts.

WHEREAS many Suits are arisen upon frivolous occasions by litigi
persons, for prevention whereof for the future,

BE IT ENACTED by the Kings most Excellent Majesty by and with
the Advice and Consent of this present General Assembly & the Authority of the
same, that all persons whatsoever that are east in any Cause, be they Plaintiff or
Defendant, shall be amerced besides the damage and costs in the Provincial Court
fifty pounds of Tobacco, to be imployed as the Governour & Council shall think
fit, and in the County Courts thirty pounds of Tobacco, to be imployed & dis
posed of towards defraying the County Charge in such manner as the Commis
sioners of each respective County shall think fit: and for the due collecting thereof

Be it Enacted by the Authority aforesaid, that the Clark of the Provincial Court
and the several County Courts keep an exact account of the Amerciaments, and
deliver or send the same to the several Sheriffs of the particular Countys, who are
hereby required to collect the same with the Levy, and are accordingly impow
ered for default of payment to make distress, and commanded not to return any
Arrears, except in cases of Executors and Administrators, who cannot pay with
out Orders.

And Be it further Enacted, that the Clark of the respective Courts give unto
the chief Judge of such Court a List of the Amerciaments that Court imposed.

An Act for stay of Executions after the tenth day of April Yearly.

WHEREAS many of the Inhabitants of this Province are, and have
been exceedingly grieved and burthened by Executions laid upon them
for Tobacco in Summer time, when it is not possible for them to procure Tabaco
for the payment and satisfaction of their Creditors, by means whereof they are
oftentimes kept in prison a long time, and thereby disabled from making & tend
ing their cropps, to the great prejudice if not ruin of many the Inhabitants of this
Province, being thereby left destitute of any means to satisfie their Creditors, for
prevention whereof for the future,

BE IT ENACTED by the Kings most Excellent Majesty by and with
the Advice and Consent of this present General Assembly and the Authority of
the same, That after the tenth day of April in any year, no Execution shall issue
out of any Courts of this Province against the Body or Goods of any person or
persons inhabiting in this Province till the tenth day of October next, or until the
tenth day of October in any year during the continuance of this Act for any debt

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s before w^m in the said Judgment shall be confessed, and
be a sufficient Superedeas to the Sherrif to forbear serving
Execution upon the Body or Goods of the person so obtaining such Certificate,
and if the perty be taken in Execution before such Certificate be produced, that
then such certificate being obtained afterwards as aforesaid shall be a sufficient Su-
peredeas to the Sherrif for the Release of such person out of Prison upon the Exe-
cution, the party paying or giving Security to such Sherrif for his due Fees for
that Imprisonment, & the Justice or Justices before whom such Judgment shall be
confest as aforesaid shall return the Judgment so confest unto the Clark of that re-
spective Court where the first Judgment was obtained, to be entred upon Record,
for which entry the Clark shall receive as a Fee five pounds of Tobacco and no
more, and that after the said tenth day of October it shall be Lawful to take out
Execution upon the Judgment confest as aforesaid without any Scire Facias or any
other delay against either the Principle or the Suretys, or all or either of them
for such Judgment so confest as aforesaid, any Law usuage or custom to the
contrary in any wise notwithstanding.

*An Act empowering the Vestrymen &c. to assess their Parishoners for finishing
and repairing of Churches.*

W H E R E A S by an Act made at a Session of Assembly begun and held
at the Port of Annapolis the ninth day of July in the Year of our Lord
1696. intituled An Act for the Service of Almighty God and the Establishment of
the Protestant Religion within this Province, amongst other things is contained,
in the sixth Article that the severall Vestrymen of each respective Parish shall with-
in twelve Months after the publication of this Act, provid: at the charge of the pa-
rish fair Register Books of paper or parchment, the which the said Register shall
keep & therein shall Register & fairly enter in writing the publication of all Marri-
ages, Births of Children, Baptisms Burials &c.

And further in the said Clause it is Enacted, that if the Vestrymen aforesaid
shall fail in providing such a Book as aforesaid, within the time aforesaid, they
shall forfeit five hundred pounds of Tobacco each Vestryman (the Minister ex-
cepted) &c. & notwithstanding ways prescribed how the said Vestrymen should
assess their Parishes for the purchasing of the said Register Books.

And further it is said in the twelfth Article of the aforesaid Act, Be it Enacted
by the Authority aforesaid, that where there is an Incumbent upon the Benefice
and officiate in no other place, the Vestrymen of the said Parish shall not under
colour or pretext of finishing the said Church or keeping the same in Repair, with-
hold or detain from the said Incumbent any part of the forty pounds of Tobacco
per Pole under any pretext whatsoever, except what is by this Act before appoint-
ed. But forasmuch as most of the Churches in this Province are either not whol-
ly finished or out of Repair, and no Rule is provided (by the aforesaid Act) by
which the severall Parish Churches shall be finished and kept in Repair, to the end
therefore that the said Vestrys may be supply'd with such Sum or Sums of Tobacco
as shall be requirit & necessary to purchase writing Books & other necessary & use-
ful Books for their better direction and guide in their Proceedings, as also for re-
pairing their Churches or other Parochial Charges, it is prayed that it may be En-
acted

And B E I T E N A C T E D by the Kings most Excellent Majesty by and
with the Advice and Consent of this present General Assembly & the Authority
of

of the same, that w^h require such Repairs Sup^{pl} shall apply themselves the Just ing the County Leavy, who up hereby impowered to raise by a^y of such respective parish such Sum judged necessary to supply the occa^s or esai^{on} vy, not exceeding the Sum of ten pou^{nds} Tobacco Sum so raised shall be collected and gathered by the and paid to the Vestrymen of such respective Parish or hall at the next County Leavy or sooner if they can, give a true account to the said Justices how and for what they have laid out and bestowed the said Tobacco so raised, a^y Law Statute or Usage to the contrary in any wise notwithstanding.

An Act for Appeals and regulating Writts of Error.

FORASMUCH as the Liberty of Appeals and Writts of Error from the judgment of the Provincial and County Courts of this Province is found to be of great use and benefit to the good people thereof.

BE IT HEREFOR ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that no Execution upon any Judgment obtained either in Provincial or County Courts, or other inferiour Courts of Record within this Province shall be stayed or delayed, or any Superseas upon such Judgment granted or issued forth upon Appeal or Writt of Error from any such Court or Courts of Record as aforesaid to the Court before whom such Appeal ought to be brought, or before whom such Writt of Error ought to be heard, tried and determined, unless such person or persons in whose name such Appeal or Writt of Error shall be made or brought aforesaid, or some other in his her or their behalf shall immediately upon making such Appeal or Suing out such Writt of Error as aforesaid, enter into Bond with sufficient Suretys, such as the Justices of the Court by whom Judgment shall be given as aforesaid or the keeper of the Seal for the time being, to whom application shall be made for such Writt of Error as aforesaid shall approve of in double the Sum recovered by such Judgment obtained as aforesaid, with condition that if the party Appellant, or party Suing out such Writt of Error as aforesaid, shall not pursue the directions in this Act hereafter mentioned at the next Court ensuing before whom such Appeal or Writt of Error to be tried as aforesaid, and prosecute the same with effect; and also satisfy and pay to the said party his Heirs Executors Administrators or Assigns in case the said Judgment should be affirmed, as well all and singular the Debts, Damages & Cost adjudged by the Court before whom such Action from whose Judgment such Appeal shall be made, or thereon a Writt of Error brought as aforesaid, shall have been originally tried; as also all costs and damages that shall be awarded at the Court before whom such Appeal or Writt of Error shall be heard, tried and determined as aforesaid, then the said Bond to be and remain in full force & vertue.

And Be it Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that no person or persons whatsoever against whom any Judgment shall be given in any County Court within this Province, wherein the debt or damages for which such Judgment shall be given, shall have any Appeal or Writt of Error from the said County Courts or other inferiour Court of Record to the Provincial Courts wherein the debt or damages recovered do not amount unto the Sum of six pounds Sterling, or twelve hundred pounds of Tobacco; and that no person or persons whatsoever against whom any Judgment shall be given in the Provincial Court of this Province, wherein the debt or damages recovered shall not exceed the Sum of fifty pounds Sterling or ten thousand pounds of Tobacco shall be allowed any Appeal or Writt of Error to the Governour and Council of this Province, but the Judgment of the Justices of the said Courts by whom such Judgments shall be given as aforesaid, and thereupon entred shall be definitive for any such debt and damages as aforesaid, any Law usage or custom to the contrary notwithstanding.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and

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Error shall assign, or such causes or reasons as he or they had for making the said Appeal, or suing out such Writt of Error as aforesaid; upon which transcript the said Court to whom such Appeal shall be made, or before whom such Writt of Error shall be brought as aforesaid, shall proceed to give Judgment.

And Be it Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that all Appeals made in manner aforesaid, shall be admitted and allowed of by the superiour Court to whom such Appeal shall be made as aforesaid in nature of a Writt of Error, and that every Clerk of a Court shall at time of the sitting of that Court to which they respectively belong, and when any Appeal shall be demanded to enter a Memorandum of such demand, as well in his or their Journal as in the fair Records of the proceedings of such Court, & that no Clerk of a Court do refuse or delay upon the request of any Appellant as aforesaid, to write and make out a transcript of the whole proceedings as aforesaid, under his Hand and the Seal of the said Court as aforesaid, upon penalty to pay the respective damages which such Appellant shall sustain by such refusal or delay as aforesaid, the said party paying or securing to be paid such respective Clerk his just Fees for the same according to Law.

And be it Enacted by the Authority aforesaid, that these Officers hereafter mentioned shall have no other Fees than are hereafter mentioned, that is to say for a Writt of Error to the Secretary fifty pounds of Tobacco, and to the keeper of the Seal for the Seal thereof one hundred and twenty pounds of Tobacco, for a Superedeas to the Secretary fifty pounds of Tobacco, and to the keeper of the Seal one hundred and twenty pounds of Tobacco, for a Scire Facies ad audiendum Errores to the Secretary fifty pounds of Tobacco, and to the keeper of the Seal one hundred and twenty pounds of Tobacco, any Law usage or custom to the contrary notwithstanding.

And Be it Enacted by the Authority aforesaid, by and with the Advice & Consent aforesaid, that all Appeals or Writts of Error triable before the Governour & Council if it so shall happen, that the former Judgment given shall be by the said Governour and Council affirmed, such a determination shall be final and without any further Review, unless such Judgment so given shall exceed the Sum of three hundred pounds Sterling, or the Sum of sixty thousand pounds of Tobacco; then and in every such case the party against whom such Judgment shall be given, may appeal to the King and Council in England.

And be it further Enacted by the Authority aforesaid, that all & every person or persons that shall conceive him or themselves relievable in Equity from any Judgment given or obtained against him in the Provincial or County Court aforesaid, shall exhibit his Bill and proceed in Chancery before any Appeal be entred or prosecuted before the Governour and Council and not afterward, and that all such persons as conceive themselves grieved by any Decree in Chancery shall be at liberty to exhibit his Prayer to the Governour and Council to review and examine the same, and that the Judgment Sentence or Decree of such Court of Review shall be final as aforesaid, unless as aforesaid the original Debt or Damages shall exceed three hundred pounds Sterling, or sixty thousand pounds of Tobacco as aforesaid; then & in every such cause to appeal to the King & Council as aforesaid, & that one Act of Assembly made at an Assembly begun & held at the City of St. Marys the 21st. day of September Anno Domini 1694. intituled an Act for Appeals & Regulating Writts of Error be and is hereby Repealed, and that all Appeals or Writts of Error already made and brought, or hereafter to be made or brought before the Governour and Council, shall and may be heard by the said Governour and Council out of Assembly time any thing in the same Writt, any other former

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Law or Practice contrary notwithstanding that the Governour his Province for the in an Apapeal made, Writt of Error brought and County Court to the Governour and Council at disposed or absent.

for that it may so happen hereafter be concern'd ment of the Provincia or he otherwise in-

Be it therefore Enacted by the Authority aforesaid, with the Advice & Consent aforesaid, that it shall and may be sufficient such case for the Council onely to hear and determin such matters of com whereof the first of the Council in Commission being then present shall pi ose Judgment thereupon shall be definitive, except before excepted, in as full & ple manner as tho' the said Governour were then actually present and presiding, any thing in this Act to the contrary notwithstanding.

An Act for the more speedy conveying the publick Letters and Pacquets of this Province, and settling a Revenue on the Sherrifs for defraying the charge thereof.

FORASMUCH as severall of the inhabitants of this Province having been formerly subject to great and manifest Inconveniency's by reason of pressing of horses, under pretext of carrying and conveying of publick Letters & Pacquets, for prevention whereof, and that due care may be taken for the future, that all publick Letters and Pacquets relating to his Majesty, or publick Service of this Province, be securely and expeditiously conveyed according to their directions, the Delegates of this present General Assembly do pray that it may be Enacted,

And BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the Sherrif of each respective County is hereby injoyned and commanded to take care of all publick Letters and Pacquets, and expeditiously to convey them according to their directions to the next Sherrif or under Sherrif of the adjacent County, and for the encouragement of the severall and respective Sherrifs and their diligence in conveying such publick Letters and Pacquets, that they may be allowed the severall Sums hereafter exprest, to be laid in the publick Levy of this Province, viz. to the Sherrif of Ann-Arundel County fifteen hundred pounds of Tobacco, who is also hereby obliged to convey all such Letters & Pacquets as are directed and must go over to the Eastern Shoar to Kent Island, & there to be delivered to the Sherrif of Talbot County or his Deputy, to the Sherrif of Talbot County fifteen hundred pounds of Tobacco, who is hereby also obliged to convey all such Letters and Pacquets that are directed to the Port of Annapolis to the said Port, to the Sherrif of Kent County eight hundred pounds of Tobacco, who is also hereby obliged to convey all such Letters and Pacquets as are directed to the Port of Annapolis to Kent Island, and deliver them to the Sherrif or under Sherrif of Talbot County, except he can convey them a more ready and expeditious way to Annapolis, who is also hereby obliged to convey all such Letters and Pacquets to the Port of Annapolis as aforesaid, to the Sherrif of Cecil County one thousand pounds of Tobacco, who is also obliged to convey all such Letters and Pacquets as are directed to the Northward to the Town of New Castle upon Delaware, to the Sherrif of Dorchester County eight hundred pounds of Tobacco, to the Sherrif of Somerset County five hundred pounds of Tobacco, to the Sherrif of Calvert County eight hundred pounds of Tobacco, to the Sherrif of Prince Georges County one thousand pounds of Tobacco, to the Sherrif of St. Mary's County eight hundred pounds of Tobacco, to the Sherrif of Charles County one thousand pounds of Tobacco, to the Sherrif of Baltimore County eight hundred pounds of Tobacco, which said severall & respective Sums of Tobacco shall be Annually allowed and paid to the severall & respective Sherrifs as aforesaid, in consideration whereof they Sherrifs of the said severall and respective Countys shall defray all such charges as shall accrew by reason of conveying any such Letters or Pacquets, any former Law Usage or Custom to the contrary notwithstanding.

And Be it further Enacted by the Authority aforesaid, that any Sherrif under Sherrif or Deputy that shall neglect or delay the speedy conveying any such Let-

ters or Pacquets shall forfeit the Sum of five hundred pounds if they shall sue for charges where any subject's Courts of Record or Protection or

And Be it further that sends ther

on of this Act presume to indorse any Letter or Letters, Pacquet or Pacquets for as aforesaid, which are not for the publick Service, shall forfeit and pay for such offence five hundred pounds of Tobacco to be employed for the use aforesaid, to be recovered in manner aforesaid.

his Sacred Majesty every such offence of Tobacco, one half to the Informer or him or be employed for the defraying of the County shall happen, to be recovered in any of his Majesty's Courts in this Province, by Action of Debt, wherein no Escheator's Fee shall be allowed.

And by the Authority aforesaid, that all such publick Letters or Pacquets for his Majesty's Service, & with the persons named therein, any person or persons shall at any time after the publication

An Act empowering Commissioners of the County Courts to levy and raise Money to defray the necessary charge of their Countys.

FORASMUCH as in the interval of Assemblies in this Province, there have been several necessary charges laid out and expended in the several and respective Countys of this Province, by the several and respective Commissioners of the said Countys and others, for the good and welfare and conservation of the peace of this Province, and of and within the said Countys, and which ought to be born by the several and respective Countys distinctly, and have been formerly used and accustomed to be reimbursed and defrayed, paid and satisfied, by & out of the County Levy, Levied and Assessed by the Commissioners of the said respective Countys, by an equal assessment upon the Estates and persons of the inhabitants of the said several and respective Countys, but the said Commissioners of the said County Courts not having sufficient Warrant and Authority to raise such Levy.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that for the future it shall and may be Lawful to and for the several and respective Commissioners of the several and respective County Courts within this Province, at their several and respective Courts to be held for the said Countys upon examination had before them of the publick charges of their said several and respective County's, and allowances by them made of the same, to levy & raise Tobacco for payment & satisfaction of the said several & respective County Charges and the Sheriffs Salary for the collecting thereof, by an equal assessment of the taxable persons of the said several Countys; any Law Act custom and usage heretofore had and made to the contrary in any wise notwithstanding.

Provided always that the accounts of the said County charge be kept upon Record in a Book fair written by themselves signed by the Clerk of the said County Court, & that upon complaint of any person that the said charges are not allowable, or that he is over charged or otherwise agrieved, the said Acts shall be examined and rectified in the Provincial Court of this Province.

An Act for the marking high ways, and making the heads of Rivers, Creeks, Branches and Swamps passable for Horse and Foot.

WHEREAS it is thought convenient and very much for the benefit of the inhabitants of this Province, that Roads and Paths be marked, and the heads of Rivers, Creeks and Branches be made passable,

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that all publick and main Roads be hereafter cleared and well grubbed fit for travelling twenty foot wide, and good and substantial Bridges made over all heads of Rivers, Creeks, Branches and Swamps where need shall require at the discretion of the Justices of the County Courts, & for the better ascertaining what is or shall be deemed publick Roads,

Be it likewise Enacted, that the Justices of the County Courts shall set down and ascertain in their Records once every year what are the publick Records of their

their respective Countys and appoint Over-
 whatsoever shall alter or change any such pun-
 cence of the Governour and Council or iudic-
 nalty of five hundred pounds of Tobacco; & if
 neglect to clear the Roads so as aforesaid, he
 of Tobacco in Cask, and every Labourer that
 Overseer, and every Master of Servants that re-
 fuse to send all his taxable Male Servants to
 shall be fined, that is to say, every Labourer one
 the said Master for every servant warned and not sent on
 tobacco, and the Clerk of the County is hereby obliged to issue
 Overseer appointed, upon penalty of one thousand pounds of Tobacco, and the
 Sheriffs of each respective Countys are to deliver the same to the several and re-
 spective Overseers so appointed as aforesaid, *ex Officio*, on penalty of one thou-
 sand pounds of Tobacco in Cask, the one half of all which fines shall be employ-
 ed and disposed of towards the defraying the County charge in such manner as the
 Commissioners of each respective County shall in their discretion think conveni-
 ent, the other half to him or them that shall inform or sue for the same, to be re-
 covered in his Majesty's Name for the use aforesaid, by Bill Complaint or Information
 in any Court of Record within this Province, wherein no Essoyn Protection or
 Wager of Law to be allowed. And that all Roads that lead to any Ferrys, Court
 house of any County or to any Church, or leading through any County to the
 Port of *Annapolis* shall be marked on both sides the Road with two notches if the
 Road leads to *Annapolis*, the Road that leads there at the leaving the other road
 shall be marked on the face of the Tree in a smooth place cut for that purpose
 with the letters A A set on with a pair of marking Irons and coloured and so with
 two notches all along the Road, and where at any place it leaves any other road
 shall be again distinguished with the mark aforesaid, on the face of the Tree with
 a pair of marking Irons and coloured as aforesaid, and any Road on the Eastern
 Shoar in Talbot County that leads to the Port of *Williamstadt*, at the entering into
 the same, and upon parting with or dividing from any other Road shall be mark'd
 on the face of a tree in a smooth place cut for that purpose with the letter W, and
 so with two notches all along the road, and the roads that lead to any County
 Court House shall have two notches on the trees on both sides the road as afore-
 said, and another notch a distance above the other two; and any road that leads
 to a Church shall be marked at the entrance into the same, and at the leaving any
 other road with a slip cut down the face of the tree near the ground, and any road
 leading to a Ferry & dividing from other publick roads shall be marked with three
 notches of equal distance at the entrance into the same; and these rules & methods
 the several Justices of the County Courts shall from time to time give in charge to
 the Overseers of the high ways by them to be appointed for that purpose, who
 are likewise enjoyned carefully and strictly to observe and perform the same under
 the penalty aforesaid, and where any road shall lead through any Scated Planta-
 tion or old Fields,

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent
 aforesaid, that the several and respective Overseers within their several & respect-
 ive Precincts do set up posts, so many as may be perceived from one to the other,
 which posts shall be marked and notched according to the place they lead to, as be-
 fore in this Act for the marking and notching of roads have been appointed, and
 that the posts of all gates through which any such roads shall lead as aforesaid, be
 marked and notched as aforesaid, under the penalty aforesaid, any thing in this
 Act to the contrary notwithstanding.

*An Act concerning the height of Fences and to punish burners thereof, and also
 to restrain the multiplicity of Horses and Mares.*

WHEREAS divers people within this Province have and do make in-
 sufficient Fences about their Corn Fields, whereby Cattle and Horses
 are apt to get in and destroy the Corn there planted, for prevention whereof for
 the future, this present General Assembly do humbly pray that it may be Enact-
 ed,

ters or Pacquets shall forfeit the Sum of five hundred pounds if they shall sue for charges where any Justice's Courts of Record or Protection or

And Be it further enacted that any person or persons shall at any time after the publication of this Act presume to indorse any Letter or Letters, Pacquet or Pacquets so as aforesaid, which are not for the publick Service, shall forfeit and pay for such offence five hundred pounds of Tobacco to be employed for the use aforesaid, to be recovered in manner aforesaid.

And Be it further enacted by the Authority aforesaid, that all such publick Letters or Letters, Pacquet or Pacquets so as aforesaid, which are not for the publick Service, shall forfeit and pay for such offence five hundred pounds of Tobacco to be employed for the use aforesaid, to be recovered in manner aforesaid.

An Act empowering Commissioners of the County Courts to levy and raise Money to defray the necessary charge of their Countys.

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BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that for the future it shall and may be Lawful to and for the several and respective Commissioners of the several and respective County Courts within this Province, at their several and respective Courts to be held for the said Countys upon examination had before them of the publick charges of their said several and respective County's, and allowances by them made of the same, to levy & raise Tobacco for payment & satisfaction of the said several & respective County Charges and the Sheriffs Salary for the collecting thereof, by an equal assessment of the taxable persons of the said several Countys; any Law Act custom and usage heretofore had and made to the contrary in any wise notwithstanding.

Provided always that the accounts of the said County charge be kept upon Record in a Book fair written by themselves signed by the Clerk of the said County Court, & that upon complaint of any person that the said charges are not allowable, or that he is over charged or otherwise agrieved, the said Acts shall be examined and rectified in the Provincial Court of this Province.

An Act for the marking high ways, and making the heads of Rivers, Creeks, Branches and Swamps passable for Horse and Foot.

WHEREAS it is thought convenient and very much for the benefit of the inhabitants of this Province, that Roads and Paths be marked, and the heads of Rivers, Creeks and Branches be made passable,

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that all publick and main Roads be hereafter cleared and well grubbed fit for travelling twenty foot wide, and good and substantial Bridges made over all heads of Rivers, Creeks, Branches and Swamps where need shall require at the discretion of the Justices of the County Courts, & for the better ascertaining what is or shall be deemed publick Roads,

Be it likewise Enacted, that the Justices of the County Courts shall set down and ascertain in their Records once every year what are the publick Records of their

aying of Letters &c.

his Sacred Majesty every such offence shall be recovered in any of his Majesty's Courts of Law, to be allowed.

ed by the Authority aforesaid, that all such publick Letters or Letters, Pacquet or Pacquets so as aforesaid, which are not for the publick Service, shall forfeit and pay for such offence five hundred pounds of Tobacco to be employed for the use aforesaid, to be recovered in manner aforesaid.

their respective Countys and appoint Overseers whatsoever shall alter or change any such presence of the Governour and Council or in default of five hundred pounds of Tobacco; & neglect to clear the Roads so as aforesaid, by of Tobacco in Cask, and every Labourer that Overseer, and every Master of Servants that refuse to send all his taxable Male Servants to the said Master for every servant warned and not sent on Tobacco, and the Clerk of the County is hereby obliged to the Overseer appointed, upon penalty of one thousand pounds of Tobacco, and the Sheriffs of each respective Countys are to deliver the same to the several and respective Overseers so appointed as aforesaid, *ex Officio*, on penalty of one thousand pounds of Tobacco in Cask, the one half of all which Fines shall be employed and disposed of towards the defraying the County charge in such manner as the Commissioners of each respective County shall in their discretion think convenient, the other half to him or them that shall inform or sue for the same, to be recovered in his Majesty's Name for the use aforesaid, by Bill Plaint or Information in any Court of Record within this Province, wherein no Esloyn Protection or Wager of Law to be allowed. And that all Roads that lead to any Ferrys, Court house of any County or to any Church, or leading through any County to the Port of *Annapolis* shall be marked on both sides the Road with two notches if the Road leads to *Annapolis*, the Road that leads there at the leaving the other road shall be marked on the face of the Tree in a smooth place cut for that purpose with the letters A A set on with a pair of marking Irons and coloured and so with two notches all along the Road, and where at any place it leaves any other road shall be again distinguished with the mark aforesaid, on the face of the Tree with a pair of marking Irons and coloured as aforesaid, and any Road on the Eastern Shoar in Talbot County that leads to the Port of *Williamstadt*, at the entering into the same, and upon parting with or dividing from any other Road shall be marked on the face of a tree in a smooth place cut for that purpose with the letter W, and so with two notches all along the road, and the roads that lead to any County Court House shall have two notches on the trees on both sides the road as aforesaid, and another notch a distance above the other two; and any road that leads to a Church shall be marked at the entrance into the same, and at the leaving any other road with a slip cut down the face of the tree near the ground, and any road leading to a Ferry & dividing from other publick roads shall be marked with three notches of equal distance at the entrance into the same; and these rules & methods the several Justices of the County Courts shall from time to time give in charge to the Overseers of the high ways by them to be appointed for that purpose, who are likewise enjoined carefully and strictly to observe and perform the same under the penalty aforesaid, and where any road shall lead through any Scated Plantation or old Fields,

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the several and respective Overseers within their several & respective Precincts do set up posts, so many as may be perceived from one to the other, which posts shall be marked and notched according to the place they lead to, as before in this Act for the marking and notching of roads have been appointed, and that the posts of all gates through which any such roads shall lead as aforesaid, be marked and notched as aforesaid, under the penalty aforesaid; any thing in this Act to the contrary notwithstanding.

An Act concerning the height of Fences and to punish burners thereof, and also to restrain the multiplicity of Horses and Mares.

WHEREAS divers people within this Province have and do make insufficient Fences about their Corn Fields, whereby Cattle and Horses are apt to get in and destroy the Corn there planted, for prevention whereof for the future, this present General Assembly do humbly pray that it may be Enacted,

And **BE IT ENACTED**

with the Advice and Consent of
of the same, that all Fences w^h
or preserve Corn there plan
Field well and sufficiently
ing the same when an

the shall leap over or
such ground, that th^e owner of such horse or horses, mare or mares, or cattle
shall be liable to an ion of trespass, if the damage thereby sustained shall in the
judgment of two such persons as aforesaid amount to two hundred pounds of To-
bacco or upwards, or if less, the owner of such beast or beasts to be convey'd
before some one Justice of the Peace in the same County who is hereby empower'd
to award such damages as he shall think convenient upon such evidence as shall be
produced before him, any Law or Custom to the contrary notwithstanding.

And whereas divers of the good people of this Province, have & do suffer much
damages by the notorious ill practices of ill disposed and malicious persons burn-
ing Fences, to the end therefore that so great abuses may be either restrained or
punished,

Be it Enacted by the Authority aforesaid, that if any person or persons whatso-
ever within this Province, shall willfully and maliciously burn, pull down or any
ways destroy any Corn Field, Pasture or Orchard, or any other Fence or Fences
whereby any of the inhabitants of this Province are or may be harmed or damnified,
the person or persons so offending being thereof Lawfully convicted by confession,
or the testimony of two Witnesses, or one Witness and pregnant circumstances a-
greeable thereto, shall make restitution to the party grieved by paying of treble
the damage sustained thereby, as the said Justices before whom such matter shall
come shall determine, or a Jury in such case shall award. And forasmuch as it of-
ten happens, that peoples Corn Fields are generally destroyed by the intolerable
number of horses & mares that are usually suffered to run at liberty in the woods
& other places, thereby going so wild that they are not onely prejudicial to most
of the Neighbourhood, but also are of little or no use to the owners.

Be it therefore Enacted by the Authority aforesaid, that from & after the tenth
day of *March* next after the publication hereof, when and as often as any horse
mare or gelding, or any other Beasts shall happen to get into any Corn Field,
Wheat or Oat ground so inclosed with such a Fence as is above mentioned, the
owner of such ground as aforesaid shall be obliged the first and second time such
Beast shall get into such inclosed grounds as aforesaid to give notice to the owner
or owners of such beast as aforesaid, & if the aforesaid owner of such Beast or Beasts
shall neglect or refuse to restrain such beast or beasts from committing the like of-
fence, it shall and may be Lawful for the owner or lawful possessor of such ground
to shoot, kill or any ways destroy upon their said lawful possession such beast or
beasts that shall commit such trespass the third time.

And Be it further Enacted by the Authority aforesaid, that if any the owner or
owners of any such beasts as aforesaid, shall not be known to the party or parties
grieved or damnified as aforesaid, he she or they so agrieved, shall and are obliged
with two sufficient Evidences to take notice of the colour, natural and artificial
marks of any such beasts in writing, and the same to affix and set up at the most
publick place within the County where such damage as aforesaid shall happen to
be done for the space of one whole month, at the end of which no owner appearing,
it shall and may be lawful for the party or parties grieved to shoot kill or destroy upon his
her or their possession as aforesaid any beast or beasts as aforesaid, any Law Sta-
tute or Custom to the contrary notwithstanding.

BE IT ENACTED

An Act for killing of Wolves.

BE IT ENACTED by the Kings most Excellent Majesty by and with
the Advice and Consent of this present General Assembly & the Authority
of the same, that every person that shall bring the head of a Wolf to any of the
Commissioners or Justices of the Peace in any County within this Province, shall
be allowed two hundred pounds of Tobacco from the County where the Wolf
shall be killed, and that such Commissioner or Justice of the Peace to whom the
Wolfs

for killing

Woolf's head shall be brought, shall cut
cut or cause to be cut off the Ears of the
of twice or oftner paying the same,

And Be it likewise Enacted by the Au-
be lawful to and for the severall Justices of tl
in this Province, and they are hereby authorize
and every year during this Act, at the time of th
raise and assess by an equal assessment upon the taxable
Sum or Sums of Tobacco as to the Justices of the severall a
shall seem meet & convenient, and such Sums of Tobacco raised as aforesaid, shall
lay out and dispose for the purchasing of duffells or matchcoats, & when the s
is purchased, shall deliver to such and so many persons residing convenient to the
Indians as the Justices aforesaid shall think fit, who shall render an account to the
said Justices at the next laying out of the Leavy, how such matchcoats delivered
him or them have been disposed, and what part thereof remains in his or their
possession or hands.

And Be it Enacted, that such person or persons having such matchcoats deliver-
ed as aforesaid, be and are hereby required to deliver to any Indian or Indians for
every Woolf or Woolves heads not having been paid for before one matchcoat
containing two yards of duffells, and give a true account of the same at the next
County Leavy as aforesaid to the Justices aforesaid, and shall mark such Woolves
heads as aforesaid to prevent deceit as aforesaid.

59
cut out the Tongue, &
to prevent the deceit

d, that it shall and may
pective Countys with
red & required yearly,
e County Leavy, to
he said County such
pective Countys

*An Act to enable the purchasers of the Subscriptions to the Freeschool to reco-
ver the same*

An Act for settling a Revennue on his Majestys present Governour.

WHEREAS his most Sacred Majesty out of his Royal Bounty and
Princely Favours has been pleased to constitute and appoint his Excel-
lency Colonel **NATHANIEL BLAKISTON** his Capt^r General and
Chief Governour in and over this his Majestys Province of *Maryland*, to whom
we his Majestys most Loyal Subjects yeild all due obedience as by his Royal
Commission we are obliged, and the better to demonstrate our most humble gra-
titude, and to shew the good respects we have for and towards the said Colonel
Nathaniel Blakiston our present Governour, and the great hopes and expectation
we have of his Excellencys good Government over us, we most humbly pray that
it may be Enacted,

And BE IT ENACTED by the Kings most Excellent Majesty by and
with the Advice and Consent of this present General Assembly and the Authority
of the same, that an imposition of three pence *per* Hoghead over and above the
one shilling *per* Hoghead heretofore granted for Support of his Majestys Gover-
nour here, upon all Tobacco that shall hereafter be exported out of this Province
by land or water, allowing 400 pounds of Tobacco to each Hoghead, and the
like quantity in bulk, may be rais'd, leavied and paid by the Master of every Ship
Vessel trading into this Province in ready Money or Bills of Exchange at the elec-
tion and choice of the said Master, to be collected by the Naval Officer of the Port
or District where such Ship or Vessel shall enter, or such other person as his Ex-
cellency shall think fit to appoint.

And be it further Enacted by the Authority aforesaid, that if any Tobacco
should by any casual means be lost after the imposition paid, that then and in all
such cases the Owner or Freightor of all such Tobacco shall have free liberty to
Freight and Ship of the like quantity again without paying the additional three
pence, this Act to endure so long as the said *Nathaniel Blakiston* Esq^r shall conti-
nue Governour of this Province.

WHEREAS a constrained hi
veyors as was but very m
ings, courses and turning
times by these Branches
nor for fear of the In

Shoar to examin the
the sides of su- i Rive creeks &c. did without further troubles prescribe
certain bounds and courses to the severall tracts by them surveyed or intended to
be surveyed, and the said bounds are generally exprest in such uncertain terms,
and being many times contradictory and inconsistent in themselves, whereby it
comes to pass that at this time is very uncertain, and many chargable and tedious
Suits in Law happen about such bounds, which are most times (as it were) by
the favour and inclinations of Jurors arbitrarily determined differing ways, in pa-
rallel cases, to prevent which for the future, and that judgment may go more di-
rect and that Neighbours may more certainly know their bounds and avoid tres-
passing upon one another, and for the more general ascertaining the meers and li-
mits of every particular Mans Lands, there can be no better way than by a Law,
to put one certain interpretation upon such contradictory expressions observed to
be in ancient Certificates, and by demonstrating one example of each interpreta-
tion in a fair parchment to be to this Act annexed as part of the said Act.

Wherefore the Delegates and Representatives of the City of St. Marys and of
the severall & respective Countys of this Province humbly pray that it may be En-
acted,

And **B E I T E N A C T E D** by the Kings most excellent Majesty by & with
the Advice and Consent of this present General Assembly and the Authority of the
same, that if any Man or his Assigns hold a tract of Land lying in the woods, and
from his first or other markt tree or end of the line, or otherwise run a certain
course & certain number of perches to a Bay River Creek Branch or Beaver damm
which have a constant Sream or certain Bed of a Channel if the course directs
thereto and the number of perches fall short thereof, in such and the like cases, if
adding fifty *per cent.* thereto will reach the said Bay River, Creek, Branch or Bea-
ver damm exprest in the said grant, the said line shall be extended thereto, as in
other cases hereafter, being certain natural and unalterable bounds.

And where the said line intersects the water of the said Bay, River, Creek or
Beaver dam or Run of the said Branch, which are, or shall be exprest in such grant,
such intersection shall be deemed and adjudged the certain prick or point of such
tract of Land, but if the said adding of the said fifty *per cent.* will not reach the
said Bay or River &c. exprest in the said grant, & such certain number of perches
give the quantity of Land, which by conditions of Plantations is exprest in the
grant of the said Land to have been due to him with his said certain number of
perches, & shall not extend his bounds further then his certain number of perches
to the prejudice of any latter Survey, notwithstanding any gift, grant or pattent
of confirmation granted or made after the date of any certificate of latter survey.

And if a tract of Land by a River, Creek or Branch side, and from any markt
tree or end of a line run a certain course and number of perches up the River creek
or branch to the head of the said River Creek or Branch, and the Record of Sur-
vey do not exprest any markt tree to which as an undeviable prick the line might
be suppos'd to come, the said tract shall be concluded by the certain number of
Perches, but if in this or the former case, there be a markt tree exprest in the certi-
ficate of Survey and well and sufficiently proved, to which either the course or the
creek, River or Branch directly leads, and may be attained by adding ten *per cent*
to every hundred perches of that line which leads to it, the owner or
owners of such Land shall hold that surplusage granted by the said ten *per cent.* a-
gainst any latter taker up, and even against the Right Honourable the Lord Pro-
prietor his Heirs and Successors, at the granted Rent without any alteration by
reason of the words more or less.

And if the said markt tree be attained by adding of fifty *per cent.* to every hun-
dred perches of the said line which leads to it, the owner of such Land shall hold
that

that surplufage againſt any latter taker up, that is to ſay againſt the Lord Proprietor, paying Arrears of Rent Tobacco, but if the fifty *per cent.* will not attain the ſure unreaſonable, and then the owners of ſuch Land preſcribe number of perches as if he never had any ſee the former caſes, or any other caſe where this afore ſecond tree, ſo as by this Act the owners may have the line is drawn from the ſecond tree the juſt length, as for example one hundred Acres, a line from the firſt tree be mentioned North one hundred perches to the ſecond markt tree but is really one hundred and fifty perches, and then from the ſecond tree a line is drawn Eaſt one hundred and ſixty perches the juſt length, then from the end of the ſaid Eaſt line, a line is drawn South one hundred perches but no markt tree there expreſſt it will leave a gore betwixt a line drawn Weſt to the firſt tree, and the end of the hundred perches South, in all ſuch caſes by vertue of this Act the third line ſhall be extended of equal length with the firſt and the fourth line ſhall be parallel with the ſecond as in the firſt example demonſtrated, that the tract of Land may be ſquare, and one and the ſame being laid out backward or forwards, but if in the certificate of Survey it be expreſſed in the third line a certain courſe and number of perches, and then or from the end thereof or ſuch like ſynonymous expreſſions with a ſtreight line to the firſt bounded Tree, ſuch ſtreight line ſhall be the bounds thereof, altho the third line be not of equal length with the firſt, and if any ſecond or latter taker up of Land ſhall have taken up the ſaid gore or land that may include it, and not improved or built thereon, the owner of the firſt tract ſhall pay him his reaſonable charges expended in taking up the ſame, and reimburse him all the Rent paid for the ſame, and the firſt owner ſhall intirely hold the full ſquare, paying his Lord ſhip his ſucceeding Rent for the ſurplufage, but if the taker up of the ſaid Land or Gore including it have built thereon, he ſhall not be lyable to an Action of Treſpas, but if in caſe the owner of the firſt Tract do not agree with him about paying him for his improvement, then the taker up of the gore ſhall for the improvements ſake hold it ſuch a number of years, not exceeding fourteen years to come as a Jury of of Reſurvey ſhall adjudge, and this all to be required, & the number of years to commence when the owners of the firſt tract ſhall by a Jury reſurvey and aſcertain his bounds according to this Act.

And if any Man hold a Tract of Land by the ſide of a Creek, River or Branch and it be deſcribed to begin at a markt tree by the ſide of the ſaid Creek, River or Branch, and at the laſt is on that ſide to be bounded with the ſaid Creek, River or Branch, but it is expreſſt from the ſaid markt tree to run up or down the ſaid creek river or branch a certain number of perches or a certain courſe, which declines from the water ſide and runs into the Land and no markt Tree appointed for it to end at, in all ſuch like caſes the owners of the ſaid Land ſhall reverse his laſt line, viz. as ſuppoſe the firſt courſe is North one hundred perches to the branch creek or river and the other Weſt one hundred and ſixty perches and then South one hundred perches, and then Eaſt, or on a ſtreight line to the firſt markt tree, he ſhall run from his firſt tree Weſt one hundred and ſixty perches, & then South one hundred perches, and then Eaſt unto the ſaid creek river or branch, and where the ſaid Eaſt line intersects or falls into the water it ſhall determin his bounds, & he ſhall hold from that interſection by the water ſide to the firſt tree, but in this caſe or any caſes parallel, if fifty *per cent.* will not interſect the branch, creek or river, then the precise lines and courſe to be the bounds thereof, & the reverſing of lines ſhall determin bounds, when the lines by the water ſide ſlants over the creek, river or branch, & in that caſe the creek river or branch ſhall be the bounds of ſuch tract, and it ſhall not paſs over as in the ſecond third and fourth example is demonſtrated- and the reaſon why fifty *per cent.* is allowed to reach the creek, river or branch, that if more is there will be no coherence between the creek and the courſe.

And if a Tract be deſcribed to lie on a certain ſide of a creek river or branch, & begin at a markt tree, and run a certain courſe, as ſuppoſe North one hundred perches up or down the ſaid creek or river to another markt tree by the river ſide, which ſecond markt tree is known and really ſtands by the water ſide, and make the breadth of the Land within fifty *per cent.* there the ſecond line ſuppoſing eaſt ſhall be drawn from the ſecond tree the certain number of perches, ſuppoſing one hundred

hundred and sixty and
so half from the first tree
this case than fifty per cent.

Well to the first tree, &
of such tract, and all such tracts
up of such backward land, and have
that with good reason, and as for the reasonableness of it, it cannot be otherways
enacted, so if it should be other ways enacted it would make a general confusion
in all backward lands, bounded first upon the frontier tracts, and then one upon
her, and in the cases aforesaid, altho' there be a great variation betwixt the
prescribed course and the real course, from the first to the second tree, yet all the
land betwixt the said trees by its general bounding on the water shall be adjudged
part of the said tracts, and afterwards from the second tree it shall be determined
by lines as aforesaid, as in the fifth & sixth example.

And if a tract of land be laid out for a certain number of Acres on such courses,
which tho' the length of the lines yet the acuteness of the Angles will not make
the certain number of Acres; yet the tract shall be confined by such bounds, as
supposing the first line be north fifty perches, & then north 82.1 or north north east or
the like eighty perches, and so parallel, and yet the owner shall be contented, &
all latter surveys adjoining to such lines shall be good as in the seventh example.
And if any Man have a greater number of perches given him in length or in
breadth by express words, then he ought to have, yet he shall hold the same a-
gainst any latter taker up, and against the Lord Proprietor rendering Rent, as sup-
pose north fifty perches, then east eighty perches, and so lines parallel for one
hundred Acres as in the eighth example.

Every Man that hath an Island intirely granted to him, altho' he have Surplus-
age shall hold the same altho' lines or courses or number of perches be not rightly
expressed to conclude the same against any latter taker up, & against the Lord Propri-
etor rendering Rent, if his Lordship shall for discovery of such Rent cause the same
to be resurveyed, and his Lordship his Heirs or Successors shall not for any Sur-
plusage intirely damage or confound any Patent upon pretence of being deceived in
his grant or any other pretence, because every Man had land granted him in con-
sideration that by performing conditions of Plantations it was due to him, ex-
cept where his Lordship hath granted any Lands *ex mero motu de gratia specialia*.

And whereas by this Act it is provided that if any Man hold fifty per cent. above
his number of perches betwixt his known bounds he shall maintain the same a-
gainst any latter taker up &c. and will not resurvey his land in due time, but that
the Lord Proprietor grant the Surplusage to another, yet if the first taker up have
leared his Plantation and made his improvement after the certain number of per-
ches is determined, yet the Surplusage shall not be said to be there only after such
determination of such number of perches, because after the Surveyor hath once by
description as it were shaped the land it is then all granted at once *uno flatu*, & the
Surplusage shall be assigned by a Jury intirely to lie together, but to the least de-
triment of the first Grantee.

And if a certain number of perches in any case be prescribed to run by a Creek,
River or Branch side, and no markt tree nor certain course express, the said num-
ber of perches shall not be spent away by the several windings of the River Creek
or Cove but brought to a straight line of that length, or else be regulated by the o-
ther courses as in other cases is provided.

If Land be bounded by a Creek or Cove running a certain course or number of
perches, as suppose north one hundred perches, if that branch creek or cove were
out and expire, or unreasonably wind above five points from the course into the
land before the number of perches be determined, so that there be no certain run-
ning Stream or certain Bed or Channel of a Stream continuing to the end of the
line, or if there be such windings as aforesaid, in such cases the lines shall be the
bounds from the beginning to ending; provided that all the adjacent lands be-
twixt the creek and the line before it comes to flant over the branch creek or cove
shall be added and taken to be part of the Land, that is so far as the creek includes
as in the ninth example.

If Land begin at a markt tree by a River, Creek, Branch or Cove, and so go up
or down the said River, Creek, Branch or Cove to another markt tree at the mouth
of

of a Creek or Cove, and then be prescribed to run a certain course or number of perches by the said creek or cove, and the spending away of the number of perches upon the winding of the said creek or cove would shorten the line from extending far enough into the woods, and the creek winds outward from the land, and varying from the course, in this case the full line and course prescribed shall be run out, and from the end of that line shall be drawn a line reverse to the next course which is to be run till the line reverse intersects the said creek or cove, and by that intersection it shall be described how far that tract shall be bounded by the creek &c. and the rest of the bounds shall in such case be ascertained by the fourth example, as suppose from the second tree at the mouth of a cove &c. the line prescribed East one hundred and sixty perches by the cove and bounded by the cove and the said creek winds away East North East, the east line of the one hundred and sixty perches shall be run out, and if from the end of the east line the course should be south, then there shall first be drawn a line northe to the cove, & that north line shall describe at the place where it intersects the cove how far that tract shall be bounded by the cove, and then at the intersection the fourth line shall be begun and continued till it intersects a line drawn east to the first tree as in the fourth example aforesaid, always provided the south line be not fifty per cent. more than it ought to be, but if the south line be fifty per cent. than it ought to be then the south line shall be the bounds and not the creek or cove, and if the south line go to the westward of the first tree, then the east line aforesaid shall be further extended that the south line may at least come to the beginning tree.

In all cases where positive eye witnesses cannot be had, there traditional evidence *viva voce* concurring with and agreeable to Record shall be accounted good proof, declaring from whom they had their tradition, and not affirming any markt tree or bounds other then or differing from what is express on Record, and where the first markt tree is wanting, and the beginning cannot be reasonably proved, but yet a second or third markt tree is found, the tree so found shall rule the bounds of the whole tract, according to the rules of this Act mentioned, or hereafter to be mentioned, where a Man holds a Peninsula or Neck of Land and have several markt or lined trees upon the points or capes of his tract which do not very exactly agree in course or distance, and yet by good evidence prove his exterior bounds, and the whole neck as 'tis commonly called or Peninsula be granted to him, there all things shall be favourably interpreted, to his holding the whole neck gainst any later taker up altho' he hath built & improv'd, because 'tis unreasonable a 2^d. taker up for a small skirt of land shall have the same advantage of range as the other, but yet if the second taker up be ejected, the first shall not have any action of trespass against him, except the Court which gives Judgment upon the titles, being the same Court that Judgment is given and not after in due form moved allow such an action to be brought upon consideration of the reasonableness of the matter; and that is humbly prayed to be thus enacted because such Peninsula or Necks of Land do not fall under any ordinary rule of regulation, provided that nothing be allowed of which is directly contrary to any other rule of regulation or clause of this Act.

And if any tract of land be described to begin at the uppermost or lowermost tree of another tract, when the record of the former tract mentions not any tree markt for the uppermost or lowermost bounds thereof, in all such cases the second tract shall begin where the uppermost or lowermost bounds of the first tract terminates by this Act, except it can positively and very strongly by good witnesses be proved that the Surveyor and not the taker up, then and there at the raking up did mark a tree for the beginning of the second tract be said to bound upon the first, yet it shall not be allowed to do so to the prejudice of any latter Survey, but may come to its beginning by its prescribed line or lines parallel to the tract on which its said to bound, and the land betwixt may be taken up by a common Warrant, as in the tenth example by which all cases parallel may be adjudged & determin'd.

If a tract of land be described to lie on a certain side of a River, Creek or Branch with a stream or cove, and at the last by general bounds is described to be bounded by the said River Creek &c. and the first line is drawn from the river &c. into the woods from the river &c. and there are other courses prescribed, and at last come to the river &c. yet if any of the former courses come to the river branch or cove, the courses shall there determine, and thence by the water be bounded and shall not pass over, but the owner shall be content with what land is between such

hundred and sixty and fi
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Well to the first tree,

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up of such backward land

that with good reason, and as for the reasonableness of it, it cannot be otherways

enacted, so if it should be other ways enacted it would make a general confusion

in all backward lands, bounded first upon the frontier tracts, and then one upon

ther, and in the cases aforesaid, altho' there be a great variation betwixt the

prescribed course and the real course, from the first to the second tree, yet all the

land betwixt the said trees by its general bounding on the water shall be adjudged

part of the said tracts, and afterwards from the second tree it shall be determined

by lines as aforesaid, as in the fifth & sixth example.

And if a tract of land be laid out for a certain number of Acres on such courses,

which tho' the length of the lines yet the acuteness of the Angles will not make

the certain number of Acres, yet the tract shall be confined by such bounds, as

supposing the first line be north fifty perches, & then north 62.1 or north north east

the like eighty perches, and so parallel, and yet the owner shall be contented, &

all latter surveys adjoining to such lines shall be good as in the seventh example.

And if any Man have a greater number of perches given him in length or in

breadth by express words, then he ought to have, yet he shall hold the same a-

gainst any latter taker up, and against the Lord Proprietor rendering Rent, as sup-

pose north fifty perches, then east eighty perches, and so lines parallel for one

hundred Acres as in the eighth example.

Every Man that hath an Island intirely granted to him, altho' he have Surplus-

age shall hold the same altho' lines or courses or number of perches be not rightly

expressed to conclude the same against any latter taker up, & against the Lord Propri-

etor rendering Rent, if his Lordship shall for discovery of such Rent cause the same

to be resurveyed, and his Lordship his Heirs or Successors shall not for any Sur-

plusage intirely damage or confound any Patent upon pretence of being deceived in

his grant or any other pretence, because every Man had land granted him in con-

sideration that by performing conditions of Plantations it was due to him, ex-

cept where his Lordship hath granted any Lands *ex mero motu de gratia specialia*

And whereas by this Act it is provided that if any Man hold fifty per cent. above

his number of perches betwixt his known bounds he shall maintain the same a-

gainst any latter taker up &c. and will not resurvey his land in due time, but that

the Lord Proprietor grant the Surplusage to another, yet if the first taker up have

sealed his Plantation and made his improvement after the certain number of per-

ches is determined, yet the Surplusage shall not be said to be there only after such

determination of such number of perches, because after the Surveyor hath once by

description as it were shaped the land it is then all granted at once *uno flatu*, & the

Surplusage shall be assigned by a Jury intirely to lie together, but to the least de-

triment of the first Grantee.

And if a certain number of perches in any case be prescribed to run by a Creek,

River or Branch side, and no markt tree nor certain course express, the said num-

ber of perches shall not be spent away by the several windings of the River Creek

or Cove but brought to a straight line of that length, or else be regulated by the o-

ther courses as in other cases is provided.

If Land be bounded by a Creek or Cove running a certain course or number of

perches, as suppose north one hundred perches, if that branch creek or cove were

out and expire, or unreasonably wind above five points from the course into the

land before the number of perches be determined, so that there be no certain run-

ning Stream or certain Bed or Channel of a Stream continuing to the end of the

line, or if there be such windings as aforesaid, in such cases the lines shall be the

bounds from the beginning to ending; provided that all the adjacent lands be-

twixt the creek and the line before it comes to flant over the branch creek or cove

shall be added and taken to be part of the Land, that is so far as the creek includes

as in the ninth example.

If Land begin at a markt tree by a River, Creek, Branch or Cove, and so go up

or down the said River, Creek, Branch or Cove to another markt tree at the mouth

end thereof South, till it intersect a line drawn al-

the said East line last mentioned be more or less in

under, and from that intersection a line drawn

the west and the South Line shall be the bounds

in cases parallel, because that generally takers

are allowed the tracts fronting the River to lie, &

that with good reason, and as for the reasonableness of it, it cannot be otherways

enacted, so if it should be other ways enacted it would make a general confusion

in all backward lands, bounded first upon the frontier tracts, and then one upon

ther, and in the cases aforesaid, altho' there be a great variation betwixt the

prescribed course and the real course, from the first to the second tree, yet all the

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gainst any latter taker up, and against the Lord Proprietor rendering Rent, as sup-

pose north fifty perches, then east eighty perches, and so lines parallel for one

hundred Acres as in the eighth example.

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etor rendering Rent, if his Lordship shall for discovery of such Rent cause the same

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sealed his Plantation and made his improvement after the certain number of per-

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determination of such number of perches, because after the Surveyor hath once by

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ber of perches shall not be spent away by the several windings of the River Creek

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land before the number of perches be determined, so that there be no certain run-

ning Stream or certain Bed or Channel of a Stream continuing to the end of the

line, or if there be such windings as aforesaid, in such cases the lines shall be the

bounds from the beginning to ending; provided that all the adjacent lands be-

twixt the creek and the line before it comes to flant over the branch creek or cove

shall be added and taken to be part of the Land, that is so far as the creek includes

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If Land begin at a markt tree by a River, Creek, Branch or Cove, and so go up

or down the said River, Creek, Branch or Cove to another markt tree at the mouth

of a Creek or Cove, and then be prescribed to run a certain course or number of perches by the said creek or cove, and the spending away of the number of perches upon the winding of the said creek or cove would shorten the line from extending far enough into the woods, and the creek winds outward from the land, and varying from the course, in this case the full line and course prescribed shall be run out, and from the end of that line shall be drawn a line reverse to the next course which is to be run till the line reverse intersect the said creek or cove, and by that intersection it shall be described how far that tract shall be bounded by the creek &c. and the rest of the bounds shall in such case be ascertained by the fourth example, as suppose from the second tree at the mouth of a cove &c. the line prescribed East one hundred and sixty perches by the cove and bounded by the cove and the said creek winds away East North East, the east line of the one hundred and sixty perches shall be run out, and if from the end of the east line the course should be south, then there shall first be drawn a line northe to the cove, & that north line shall describe at the place where it intersects the cove how far that tract shall be bounded by the cove, and then at the intersection the south line shall be begun and continued till it intersects a line drawn east to the first tree as in the fourth example aforesaid, always provided the south line be not fifty *per cent.* more than it ought to be, but if the south line be fifty *per cent.* than it ought to be then the south line shall be the bounds and not the creek or cove, and if the south line go to the westward of the first tree, then the east line aforesaid shall be further extended that the south line may at least come to the beginning tree.

In all cases where positive eye witnesses cannot be had, there traditional evidence *viva voce* concurring with and agreeable to Record shall be accounted good proof, declaring from whom they had their tradition, and not affirming any markt tree or bounds other then or differing from what is express on Record, and where the first markt tree is wanting, and the beginning cannot be reasonably proved, but yet a second or third markt tree is found, the tree so found shall rule the bounds of the whole tract, according to the rules of this Act mentioned, or hereafter to be mentioned, where a Man holds a Penninsula or Neck of Land and have several markt or lined trees upon the points or capes of his tract which do not very exactly agree in course or distance, and yet by good evidence prove his exterior bounds, and the whole neck as 'tis commonly called or Penninsula be granted to him, there all things shall be favourably interpreted, to his holding the whole neck gainst any later taker up altho he hath built & improv'd, because tis unreasonable a 2^d. taker up for a small skirt of land shall have the same advantage of range as the other, but yet if the second taker up be ejected, the first shall not have any action of trespass against him, except the Court which gives Judgment upon the titles, being in the same Court that Judgment is given and not after in due form moved allow such action to be brought upon consideration of the reasonableness of the matter; and that is humbly prayed to be thus enacted because such Penninsula or Necks of Land do not fall under any ordinary rule of regulation, provided that nothing be allowed of which is directly contrary to any other rule of regulation or clause of this Act.

And if any tract of land be described to begin at the uppermost or lowermost tree of another tract, when the record of the former tract mentions not any tree markt for the uppermost or lowermost bounds thereof, in all such cases the second tract shall begin where the uppermost or lowermost bounds of the first tract terminates by this Act, except it can positively and very strongly by good witnesses be proved that the Surveyor and not the taker up, then and there at the raking up did mark a tree for the beginning of the second tract be said to bound upon the first, yet it shall not be allowed to do so to the prejudice of any latter Survey, but may come to it's beginning by its prescribed line or lines parallel to the tract on which it is said to bound, and the land betwixt may be taken up by a common Warrant, as in the tenth example by which all cases parallel may be adjudged & determin'd.

If a tract of land be described to lie on a certain side of a River, Creek or Branch with a stream or cove, and at the last by general bounds is described to be bounded by the said River Creek &c. and the first line is drawn from the river &c. into the woods from the river &c. and there are other courses prescribed, and it last come to the river &c. yet if any of the former courses come to the river branch or cove, the courses shall there determine, and thence by the water be bounded and shall not pass over, but the owner shall be content with what land is between such

lines and the water be it never so little, and apply himself (if he please) to his Lordships favour for the benefit of his Warrant as in the twelfth example.

If a tract of land be described to begin at a certain tree & to run a certain course expressing no certain number of perches till it intersect another tract of land, which course goes clear from such lands, and no determinate number of perches to limit the lines tis a void survey, and shall be deemed to include nothing by one part of one side & another part of another side of a river, creek, branch or cove &c.

If a tract of land begin at a certain markt tree, running to the head of a creek, branch or cove it shall be determined as aforesaid is described in such like cases, & then if for more breadth it begin again at the head of the said river, creek, branch or cove, and on the other side thereof, the beginning on the other side shall be added to be right opposit to the ending of the first side, except there be a markt tree exprest on the second side to regulate that part otherwise.

If one tract of land be so laid out, and the one part of it lies on the one side of a former Survey, and another part of it lies on the other side of the former survey, and part is taken away by the said former survey, yet the owner of the second tract shall hold all that is clear of the former survey, and all former surveys whatever on both sides, for that the land is not granted perch by perch as the surveyor measures it, but the grant is *uno flatu* all at once of every part of it, and if any man markt tree or trees stand within another mans lands, the owner of the said land in whose land the said trees stand, shall not on any pretence cut down or destroy the said tree or trees, except he first give notice to the owner of that land whose bounds such tree is, and there in his presence either plant other sufficient Locust or Cedar post or stone or stones in the head and place of that Tree, under the penalty of six pounds Sterling to be paid to the party whose bounds that tree was, to be recovered by Action of debt &c.

And it is hereby made lawful for every Man having such tree or trees within another Mans land, and having special Warrant of Resurvey, or order of Provincial or County Court for resurvey of their land to ascertain his bounds having asked leave, & being denied with Surveyor, Jury witnesses & chain carriers go on such land, whereon or wherein his markt tree stands, and from such markt tree measure his course and distance required, provided he make all fences as good and tight as they were found, and that he nor any along with him in measuring the same do not manifest damage, detriment or harm to the owner of the land whereon they go, or if accidentally any damage happen, that then in such cases he proffer and within three days make reparation and amends.

And Be it Enacted by the Authority aforesaid, that no Man shall have ten per cent. given him to the precise number of perches, except it be by that addition of ten per cent. to reach to a markt tree or other natural bounds, but if he have no markt tree or natural bounds he shall not take ten per cent. to the damage of any latter Survey, but if the latter Survey begin off from the first Survey and run towards it and there be ten per cent. betwixt the end of the precise number of perches the first taker up shall enjoy it, and in all such cases if ten per cent. added to both will make their lands to bound on each other no third person shall take up or hold any land betwixt them.

And Be it Enacted by the Authority aforesaid, that if any Man hold land by a river or creek side, yet so as there lies marsh betwixt the firm land and the river, such adjacent marsh shall not be taken up, or being already taken up by any other shall not be held, but such adjacent marsh shall be deemed & adjudged absolutely to belong to the land to which it is adjacent, and be bounded by the same courses drawn from the firm land into such river or creek as the firm land is bounded by, except in Somerset County, and upon Delaware and the Ocean.

And Be it Enacted by the Authority aforesaid, that if any Man hold land which is bounded, or exprest to be bounded by a line drawn from a certain tree or other indivisible point of intersections, a certain course to a certain markt tree in the woods, and the said tree or trees do not correspond to the said certain course or courses, but that the courses and trees differ very much as it is too common, and that the courses prescribed give the quantity of land due to the taker up, in such cases wherein it is not otherwise before in this Act provided in ascertaining of the bounds of land by the water side, the lines shall be the bounds of such lands, and the trees shall be deserted, and one line shall be drawn from the end of another, be-
cause

cause the errors of such Surveys was in the misplacing of trees, yet so if any second taker up hath begun at any the also resaid deserted trees and run lines parallel to the first taken up lands, & that by this regulation, some part of the land of the second taker up will now fall within the lines of the first taker up, in such case the first taker up shall have no Action of Trespas against the second taker up for any supposed trespass within his lines which he could not have had before, but on the contrary, if the second taker up hath made any improvement on the land now to be taken away he shall hold his improvement and all the land that falls to be within the lines of the first taker up by reason of this regulation for such number of years as a Jury shall think such improvement deserves, not exceeding fourte years, to be reckoned from the time that the first taker up resurvey'd his land by a Jury, and the said Jury shall there *ore tenus* determin the matter.

And whereas this may occasion that some land may lie clear by or about the deserted trees or otherwise, in such cases the Jury, or the major part of them shall determin in writing under their Hands and Seals what part of such land happening to be clear shall be assigned to the first taker up to take up again by common Warrant, and what part shall be assigned to the second taker up to take up again in like manner, which by this Act they are impowered to do, to make good what disadvantage may happen to either part, and no other person for a year and a day after shall take up any the land so assigned, and if they do it shall be of no effect, nor shall any grant for the same upon any such surreptitious Survey be of validity in Law, and if the first taker do not within a year and a day after the publication of this Act in the County where such land lies resurvey his land and ascertain his bounds, that then after one year and a day expired the second taker up (may if he pleaseth) for certainty sake cause the same to be done at his own cost and charges.

And Be it Enacted &c. that the Justices of each respective County Court may grant a Warrant of resurvey and a *venire* for a Jury if required when the reason of Resurvey is onely ascertaining of bounds, according to this Act, the petitioner paying only to the Clerk sixteen pounds of Tobacco for his Warrant, and thirty pounds of Tobacco or two shillings six pence to the Commissioners towards supporting their expences, and where the Warrant of resurvey is granted as aforesaid there the Surveyor shall have only such fees as in a primitive Survey, any Law Statute or Custom to the contrary notwithstanding. And shall certifie that by vertue of such Warrant he hath resurveyed a tract of land called A at first laid out for B described to lie and be bounded as followeth, (here the scituation and bounds of land to be exprest) and that he hath resurveyed and regulated the same according to the first second or other example of the Act for regulating and ascertaining &c. which certificate with a fair platt shall be return'd to the Examiner of the County, and being approved by him to the County Clerk to be recorded, and to that end Be it Enacted that the Governour for the time being may constitute & apoint one discreet person to be Examiner of the said County and to do therein as to such Office belongs &c. taking for his fees for every such certificate fifty pounds of Tobacco, if the same be for five hundred Acres or under and one hundred pounds of Tobacco if the same shall keep a fair Book, and Record the certificate and platt.

And Be it Enacted &c. that if any person hold a tract of land, which on any line is said to run a certain course and certain number of perches to another Mans land, & that certain number of perches and fifty *per cent.* added on the same course to that line do not come to the said land, yet the number of perches give the quantity of land which the taker up had due to him, he shall be contented with his precise number of perches, and shall not extend his line further to the damage of any latter Survey, altho' his Survey be said to be bounded by the other Mans land, but the land betwixt being surveyed by common Warrant shall be sure to him that surveyed it, provided that is not already taken up, he shall have a year and a day from the publication of this Act to take it up by common Warrant, except in such cases as falls under the regulation of the eleventh example.

And if any owner of land perceiving that he hath more breadth betwixt his trees which gives him more land then was due to him at first, have already whilst he was owner of the first tract by common Warrant taken up the surplussage, he shall by vertue of such survey and his Lordships grant hold the same according to his grant, notwithstanding the said land seem to have been formerly survey'd, but there

lines and the water be it never so little, and apply himself (if he please) to his Lordships favour for the benefit of his Warrant as in the twelfth example.

If a tract of land be described to begin at a certain tree & to run a certain course expressing no certain number of perches till it intersect another tract of land, which course goes clear from such lands, and no determinate number of perches to limit the lines tis a void survey, and shall be deemed to include nothing by one part of one side & another part of another side of a river, creek, branch or cove &c.

If a tract of land begin at a certain markt tree, running to the head of a creek, branch or cove it shall be determined as aforesaid is described in such like cases, & then if for more breadth it begin again at the head of the said river, creek, branch or cove, and on the other side thereof, the beginning on the other side shall be added to be right opposit to the ending of the first side, except there be a markt tree exprest on the second side to regulate that part otherwise.

If one tract of land be so laid out, and the one part of it lies on the one side of a former Survey, and another part of it lies on the other side of the former survey, and part is taken away by the said former survey, yet the owner of the second tract shall hold all that is clear of the former survey, and all former surveys whatever on both sides, for that the land is not granted perch by perch as the surveyor measures it, but the grant is *uno flatu* all at once of every part of it, and if any man markt tree or trees stand within another mans lands, the owner of the said land in whose land the said trees stand, shall not on any pretence cut down or destroy the said tree or trees, except he first give notice to the owner of that land whose bounds such tree is, and there in his presence either plant other sufficient Locust or Cedar post or stone or stones in the head and place of that Tree, under the penalty of six pounds Sterling to be paid to the party whose bounds that tree was, to be recovered by Action of debt &c.

And it is hereby made lawful for every Man having such tree or trees within another Mans land, and having special Warrant of Resurvey, or order of Provincial or County Court for resurvey of their land to ascertain his bounds having asked leave, & being denied with Surveyor, Jury witnesses & chain carriers go on such land, whereon or wherein his markt tree stands, and from such markt tree measure his course and distance required, provided he make all fences as good and tight as they were found, and that he nor any along with him in measuring the same do not manifest damage, detriment or harm to the owner of the land whereon they go, or if accidentally any damage happen, that then in such cases he proffer and within three days make reparation and amends.

And Be it Enacted by the Authority aforesaid, that no Man shall have *ten per cent.* given him to the precise number of perches, except it be by that addition of *ten per cent.* to reach to a markt tree or other natural bounds, but if he have no markt tree or natural bounds he shall not take *ten per cent.* to the damage of any latter Survey, but if the latter Survey begin off from the first Survey and run towards it and there be *ten per cent.* betwixt the end of the precise number of perches the first taker up shall enjoy it, and in all such cases if *ten per cent.* added to both will make their lands to bound on each other no third person shall take up or hold any land betwixt them.

And Be it Enacted by the Authority aforesaid, that if any Man hold land by a river or creek side, yet so as there lies marsh betwixt the firm land and the river, such adjacent marsh shall not be taken up, or being already taken up by any other shall not be held, but such adjacent marsh shall be deemed & adjudged absolutely to belong to the land to which it is adjacent, and be bounded by the same courses drawn from the firm land into such river or creek as the firm land is bounded by, except in Somerset County, and upon Delaware and the Ocean.

And Be it Enacted by the Authority aforesaid, that if any Man hold land which is bounded, or exprest to be bounded by a line drawn from a certain tree or other indivisible point of intersections, a certain course to a certain markt tree in the woods, and the said tree or trees do not correspond to the said certain course or courses, but that the courses and trees differ very much as it is too common, and that the courses prescribed give the quantity of land due to the taker up, in such cases wherein it is not otherwise before in this Act provided in ascertaining of the bounds of land by the water side, the lines shall be the bounds of such lands, and the trees shall be deserted, and one line shall be drawn from the end of another, be-

cause the errors of such Surveys was in the misplacing of trees, yet so if any second taker up hath begun at any the also resaid deserted trees and run lines parallel to the first taken up lands, & that by this regulation, some part of the land of the second taker up will now fall within the lines of the first taker up, in such case the first taker up shall have no Action of Trespas against the second taker up for any supposed trespass within his lines which he could not have had before, but on the contrary, if the second taker up hath made any improvement on the land now to be taken away he shall hold his improvement and all the land that falls to be within the lines of the first taker up by reason of this regulation for such number of years as a Jury shall think such improvement deserves, not exceeding fourteen years, to be reckoned from the time that the first taker up resurvey'd his land by a Jury, and the said Jury shall there *ore tenus* determine the matter.

And whereas this may occasion that some land may lie clear by or about the deserted trees or otherwise, in such cases the Jury, or the major part of them shall determine in writing under their Hands and Seals what part of such land happening to be clear shall be assigned to the first taker up to take up again by common Warrant, and what part shall be assigned to the second taker up to take up again in like manner, which by this Act they are impowered to do, to make good what disadvantage may happen to either part, and no other person for a year and a day after shall take up any the land so assigned, and if they do it shall be of no effect, nor shall any grant for the same upon any such surreptitious Survey be of validity in Law, and if the first taker do not within a year and a day after the publication of this Act in the County where such land lies resurvey his land and ascertain his bounds, that then after one year and a day expired the second taker up (may if he pleaseth) for certainty sake cause the same to be done at his own cost and charges.

And Be it Enacted &c. that the Justices of each respective County Court may grant a Warrant of resurvey and a *venire* for a Jury if required when the reason of Resurvey is onely ascertaining of bounds, according to this Act, the petitioner paying only to the Clerk sixteen pounds of Tobacco for his Warrant, and thirty pounds of Tobacco or two shillings six pence to the Commissioners towards supporting their expences, and where the Warrant of resurvey is granted as aforesaid there the Surveyor shall have only such fees as in a primitive Survey, any Law Statute or Custom to the contrary notwithstanding. And shall certify that by vertue of such Warrant he hath resurveyed a tract of land called A at first laid out for B described to lie and be bounded as followeth, (here the situation and bounds of land to be exprest) and that he hath resurveyed and regulated the same according to the first second or other example of the Act for regulating and ascertaining &c. which certificate with a fair platt shall be return'd to the Examiner of the County, and being approved by him to the County Clerk to be recorded, and to that end Be it Enacted that the Governour for the time being may constitute & appoint one discreet person to be Examiner of the said County and to do therein as to such Office belongs &c. taking for his fees for every such certificate fifty pounds of Tobacco, if the same be for five hundred Acres or under and one hundred pounds of Tobacco if the same shall keep a fair Book, and Record the certificate and platt.

And Be it Enacted &c. that if any person hold a tract of land, which on any line is said to run a certain course and certain number of perches to another Mans land, & that certain number of perches and fifty *per cent.* added on the same course to that line do not come to the said land, yet the number of perches give the quantity of land which the taker up had due to him, he shall be contented with his precise number of perches, and shall not extend his line further to the damage of any latter Survey, altho' his Survey be said to be bounded by the other Mans land, but the land betwixt being surveyed by common Warrant shall be sure to him that surveyed it, provided that is not already taken up, he shall have a year and a day from the publication of this Act to take it up by common Warrant, except in such cases as falls under the regulation of the eleventh example.

And if any owner of land perceiving that he hath more breadth betwixt his trees which gives him more land then was due to him at first have already whilst he was owner of the first tract by common Warrant taken up the surplussage, he shall by vertue of such survey and his Lordships grant hold the same according to his grant, notwithstanding the said land seem to have been formerly survey'd, but there

shall not be made any other line then is exprest in the Record of survey to joyn the land together.

And Be it further Enacted &c. that no warrant or grant to alter any survey upon pretence that the surveyor hath not taken up the intended land, or was mistaken in prescribing his courses or any the like pretences shall take effect or be good in Law to the altering the bounds of any land to the damage of any latter taker up that hath seated & improv'd where the Area of such first survey includes considerable land of any quality and hath but one markt tree, but where such Area includes no land at all but water, there the mistake was manifest, and it shall be adjudged in case of difference according to the intent of the surveyor manifest, so proved and adjudged, notwithstanding if any man have a well known trees by a water side markt for his breadth of land, and hath seated, improv'd and paid Rent, & quietly for seven years enjoyed the land betwixt the said trees, & yet by some error or mistake in the Surveyor or Clark the said land is exprest in the body of his grant or pattent to begin at one of the said trees and run to the other, but the line prescribed runs directly contrary (that is to say) in running up the said river creek &c. instead of down the river creek &c. or down instead of up to the second tree, and leave out the intended land where such mistake is manifest, and the first taker up hath as aforesaid seated and improved betwixt the said trees, and never claimed other land by verue of that grant, but the land betwixt the said trees the first taker up shall enjoy it as if no such mistake had been, and if there be any other errors in his back lines it shall be regulated as in like cases is before exprest for other land, and the second taker up may by verue of this Act and his Lordships Favour make use of his Warrant elsewhere, and the first taker up shall reimburse the second his reasonable charge for letting his Survey fall, to be adjudged by the County Court upon his petition or motion, the first taker up being first called and heard, and after such Judgment award Execution by *fieri facias* or Attachment, but yet if such second Survey have been made above seven years before this present Sessions and hath been seated and improv'd by the second taker up and never yet seated and improved by the first taker up or his Assigns, then the first taker up and not the second shall be put to seek for the benefit of his Warrant elsewhere, and this word up the river creek &c. instead of down, or down instead of up shall not vitiate any grant or deed by which land is convey'd from one Man to another, where the rest of the words in the said grant or deed manifestly imply it only to be a mistake, and the first taker up shall rectifie his Survey and take a new grant, which shall be under the same rent and no other.

Provided always, and Be it Enacted, that nothing in this Act contained shall alter, change, make void, make erroneous or defeat any Judgment given & recovered in the Provincial Court before the making of this Act, nor make void any Arbitration or Award under Hand and Seal given before the making of this Act, altho such judgments and Awards are given contrary to the meaning of this Act, but all such judgments & all such awards tho' they might not otherwise be good about land shall be and are hereby confirmed, other errors in Law excepted, provided such Awards shall within a year and a day be recorded in their respective County Records after the publication of this Act, and acknowledg'd in open Court by one of the Arbitrators or Umpire.

And if a certificate be so defective that one whole line be left out, yet if the other lines be so exprest that they shew what length and breadth were designed, & that the length and breadth would make out the quantity of land which the taker up had due to him, and the lines exprest do infer to common Reason and Sense that the lines were left out by mistake, in all such cases the first taker up shall hold his land against any latter taker up as if the certificate were good & intire.

And if any Man hold a tract of land which is exprest to bound on another tract, and to begin at a markt tree standing in the line of that tract on which it is said to bound, but the first markt tree cannot be prov'd nor found, yet if any other markt tree of the tract be found and proved, that found and proved tree shall rule the bounds of the tract, yet so as only the precise number of perches shall be held, but if no tree be found the owner may resurvey and lay it out again, beginning in the line where it was at first said to begin, but it shall then be accounted later than any other Survey in them parts, and the taker up shall not intrude nor hold part of any tract of land whereon a Plantation is seated, & whereof there is certain proof

of the bounds, because a certainty is to be prefer'd before an uncertainty, but what land he shall include by his Survey clear of other tracts he may hold for ever by vertue of his first Warrant, and the like shall be adjudged in all parallel cases where no tree is to be found, if the owners shall think it any advantage by saving his Warrant, but then after such Survey he shall not pretend to his former Survey any more for ever, yet if any such mark tree was said to begin in the point of a fork at the mouth of a creek or such other place which is as it were a natural beginning, there if no tree is found yet if the place is certainly known and proved, a Jury shall find a point or prick to begin at most agreeable to the description in the certificate of Survey or Grant of the same, no evidence admitted to prove a mark tree where the Record expresses none.

And lastly, Be it further Enacted &c. that if any controversy happen about the bounds of land, whereof there is no parallel within this Act, the Provincial Court shall not give Judgment therein, but it shall be put to the Assembly to be determined by an Act and to be made a president for the future.

An Act of gratuity to Colonel Ninian Beale.

The humble Petition of Henry Wallace of Kent County.

An Act for continuing the late Act for imposing three pence per Hogshead upon Tobacco to the use of his present Excellency from the time of his arrival here to the end of this Sessions of Assembly.

An Act for settling Assemblys and Provincial Courts at the Port of Annapolis in Ann-Arundel County.

BE IT ENACTED by the King most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the Port of Annapolis in Ann-Arundel County be the chief place and Seat of Justice within this Province, for holding Assemblys and Provincial Courts, and that all Writts, Pleas and Process issuing or that has issued out & returnable to the Provincial as aforesaid, or to the Court of Chancery, shall from and after the end of this present Sessions of Assembly continue and be made returnable to the Port of Annapolis in Ann-Arundel County aforesaid.

An Act for raising a supply towards the defraying of the publick charge of this Province, and to prevent too great a number of Irish Papists being imported into this Province.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof all Masters of Ships or others importing Irish Servants into this Province by land or by water, at the time of their entry shall pay unto the Naval Officer for the time being belonging to such Port or place where they make their Entry the Sum of twenty Shillings Sterling per Pole towards the defraying of the publick Levy of this Province for every Irish Servant so imported, on penalty and forfeiture of five pounds Sterling per Pole for every Servant so concealed at the time of his entry aforesaid, the one half thereof to be appropriated to the uses aforesaid, the other half to the Informer or him or them that shall sue for the same to be recovered in his Majestys name in any Court of Record within this Province by Action of Debt Bill Plaint or Information, whereinno Essoyn Protection or Wager of Law to be allowed.

And Be it Enacted by the Authority aforesaid, that for every Negro so imported into this Province either by land or water, the importor or importors of such Negro or Negro's shall pay unto the Naval Officer aforesaid the Sum of twenty

shall not be made any other line then is exprest in the Record of survey to joyn the land together.

And Be it further Enacted &c. that no warrant or grant to alter any survey upon pretence that the surveyor hath not taken up the intended land, or was mistaken in prescribing his courses or any the like pretences shall take effect or be good in Law to the altering the bounds of any land to the damage of any latter taker up that hath seated & improv'd where the Area of such first survey includes considerable land of any quality and hath but one markt tree, but where such Area includes no land at all but water, there the mistake was manifest, and it shall be adjudged in case of difference according to the intent of the surveyor manifest, so proved and adjudged, notwithstanding if any man have a well known trees by a water side markt for his breadth of land, and hath seated, improv'd and paid Rent, & quietly for seven years enjoyed the land betwixt the said trees, & yet by some error or mistake in the Surveyor or Clark the said land is exprest in the body of his grant or pattent to begin at one of the said trees and run to the other, but the line prescribed runs directly contrary (that is to say) in running up the said river creek &c. instead of down the river creek &c. or down instead of up to the second tree, and leave out the intended land where such mistake is manifest, and the first taker up hath as aforesaid seated and improved betwixt the said trees, and never claimed other land by vertue of that grant, but the land betwixt the said trees the first taker up shall enjoy it as if no such mistake had been, and if there be any other errors in his back lines it shall be regulated as in like cases is before exprest for other land, and the second taker up may by vertue of this Act and his Lordships Favour make use of his Warrant elsewhere, and the first taker up shall reimburse the second his reasonable charge for letting his Survey fall, to be adjudged by the County Court upon his petition or motion, the first taker up being first called and heard, and after such Judgment award Execution by *fiert facias* or Attachment, but yet if such second Survey have been made above seven years before this present Sessions and hath been seated and improv'd by the second taker up and never yet seated and improved by the first taker up or his Assigns, then the first taker up and not the second shall be put to seek for the benefit of his Warrant elsewhere, and this word up the river creek &c. instead of down, or down instead of up shall not vitiate any grant or deed by which land is convey'd from one Man to another, where the rest of the words in the said grant or deed manifestly imply it only to be a mistake, and the first taker up shall rectifie his Survey and take a new grant, which shall be under the same rent and no other.

Provided always, and Be it Enacted, that nothing in this Act contained shall alter, change, make void, make erroneous or defeat any Judgment given & recovered in the Provincial Court before the making of this Act, nor make void any Arbitration or Award under Hand and Seal given before the making of this Act, altho such judgments and Awards are given contrary to the meaning of this Act, but all such judgments & all such awards tho' they might not otherwise be good about land shall be and are hereby confirmed, other errors in Law excepted, provided such Awards shall within a year and a day be recorded in their respective County Records after the publication of this Act, and acknowledg'd in open Court by one of the Arbitrators or Umpire.

And if a certificate be so defective that one whole line be left out, yet if the other lines be so exprest that they shew what length and breadth were designed, & that the length and breadth would make out the quantity of land which the taker up had due to him, and the lines exprest do infer to common Reason and Sense that the lines were left out by mistake, in all such cases the first taker up shall hold his land against any latter taker up as if the certificate were good & intire.

And if any Man hold a tract of land which is exprest to bound on another tract, and to begin at a markt tree standing in the line of that tract on which it is said to bound, but the first markt tree cannot be prov'd nor found, yet if any other markt tree of the tract be found and proved, that found and proved tree shall rule the bounds of the tract, yet so as only the precise number of perches shall be held, but if no tree be found the owner may resurvey and lay it out again, beginning in the line where it was at first said to begin, but it shall then be accounted later than any other Survey in them parts, and the taker up shall not intrude nor hold part of any tract of land whercon a Plantation is seated, & whereof there is certain proof

of

of the bounds, because a certainty is to be prefer'd before an uncertainty, but what land he shall include by his Survey clear of other tracts he may hold for ever by vertue of his first Warrant, and the like shall be adjudged in all parallel cases where no tree is to be found, if the owners shall think it any advantage by saving his Warrant, but then after such Survey he shall not pretend to his former Survey any more for ever, yet if any such market tree was said to begin in the point of a fork at the mouth of a creek or such other place which is as it were a natural beginning, there if no tree is found yet if the place is certainly known and proved, a Jury shall find a point or prick to begin at most agreeable to the description in the certificate of Survey or Grant of the same, no evidence admitted to prove a market tree where the Record expresses none.

And lastly, Be it further Enacted &c. that if any controversy happen about the bounds of land, whereof there is no parallel within this Act, the Provincial Court shall not give Judgment therein, but it shall be put to the Assembly to be determined by an Act and to be made a president for the future.

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An Act for raising a supply towards the defraying of the publick charge of this Province, and to prevent too great a number of Irish Papists being imported into this Province.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof all Masters of Ships or others importing Irish Servants into this Province by land or by water, at the time of their entry shall pay unto the Naval Officer for the time being belonging to such Port or place where they make their Entry the Sum of twenty Shillings Sterling per Pole towards the defraying of the publick Levy of this Province for every Irish Servant so imported, on penalty and forfeiture of five pounds Sterling per Pole for every Servant so concealed at the time of his entry aforesaid, the one half thereof to be appropriated to the uses aforesaid, the other half to the Informer or him or them that shall sue for the same to be recovered in his Majestys name in any Court of Record within this Province by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

And Be it Enacted by the Authority aforesaid, that for every Negro so imported into this Province either by land or water, the importer or importors of such Negro or Negro's shall pay unto the Naval Officer aforesaid the Sum of twenty

shillings Sterling *per* Pole for the use aforesaid, on penalty and forfeiture of five pounds Sterling *per* Pole for every Negro kept back or unaccounted for, to be applied for the uses aforesaid, and to be recovered as aforesaid.

And Be it further Enacted by the Authority aforesaid, that from and after the publication hereof all Masters of Ships or other Vessels that shall either by land or water import any Rum or Wine into this Province shall pay unto the Naval Officer aforesaid where they make their entry the Sum of three pence *per* gallon for every gallon of Rum or Wine so imported into this Province as aforesaid, to be applied for the uses aforesaid, Liquors from *England* always excepted.

And Be it further Enacted by the Authority aforesaid, &c. that all Ships or other Vessels which have been built in this Province or hereafter shall be built as aforesaid, which are solely and wholly belonging to the inhabitants thereof, shall be wholly exempted & acquitted from paying the imposition of three pence *per* gallon aforesaid.

And Be it further Enacted by the Authority aforesaid, that no Rum or Wine upon which the duties aforesaid are assessed shall be landed or put on shore out of any Ship or other Vessel which shall import the same, or any other without due entry thereof made with the Officer thereby appointed (upon Oath of the said person or persons importing any of the aforesaid liquors) for collecting the same, in the Port or place where such liquors shall happen to be imported as aforesaid, or before the duty due and payable for the same be satisfied or secured to be satisfied, and a Warrant for the landing thereof be signed by the Officer for that purpose appointed upon pain and peril that all such liquors landed and put on shore contrary to the true intent and meaning of this Act shall be forfeited and lost, or the full value thereof; one half to be appropriated towards the defraying of the publick Leavy of this Province, and the other half to the informer or him or them that shall sue for the same, to be recovered in his Majesty's Name, in any of his Majesty's Courts of Record within this Province by Action of debt bill plaint or information, wherein no *essoyn* protection or wager of Law to be allowed.

And for the better encouragement of all Masters, Merchants, Owners and other persons whatsoever to make due entries and payment of the duties, rates and imposts raised by this Act, in consideration of leakage and other damages, the Officer is hereby authorized and empowered to make allowance and abatement of 20 gallons in every hundred gallons of all such liquors so to be duly entered as aforesaid, and the officers hereby appointed for collecting and gathering the duties aforesaid, shall and are hereby empowered upon any suspicion of fraud or deceit by any importer owner or proprietor of any such liquors, in concealing and not making due entry of the same, to go and enter on board any Ship or Vessel, or into any house or ware house on shore, and from thence to seize, bring on shore or secure all such liquors for which the duties aforesaid are not duly paid or secured to be paid as aforesaid, and that the said officers and their deputies may freely stay and remain on board until the goods are delivered and discharged out of the said Ship or Vessel, and all officers as well military as civil of this Province, and all masters and officers of Ships are hereby required and enjoined to be aiding and assisting to such Naval Officers in discharging of their duty aforesaid, for all which the said Officers and others assisting them shall be saved and kept harmless by virtue of this Act.

And Be it further Enacted by the Authority aforesaid, that all such Naval Officers shall give good security to the Governour of this Province for the time being, and shall take their several Oaths well and faithfully to gather the impost so arising by virtue of this Act or any clause herein contained, and adjust & faithfully to account twice a year, and to give and render to the publick Treasurer of this Province for the time being authorized for receiving the said impost, for which the said Treasurer shall have for their salary *4l. per Cent* who are to give good Bond for the same, to be accountable and render account to the next meeting of Assembly, to be by them disposed of towards the defraying of the publick leavy of this Province.

And Be it further Enacted by the Authority aforesaid, that every Master of a Ship or other Vessel at the time of his entry of such Ship or Vessel wherein such liquors shall be imported as aforesaid, shall render upon oath an account of the quantity and quality of liquors aforesaid, and severall & respective Naval Officers

within

within this Province for the time being, shall at the time of their entry of such Ship or Vessel as aforesaid take good and sufficient security in his Majesty's name for the payment of the imposition aforesaid to such use and purpose and in such manner and form as by this Act is appointed, all which duties arising by such impositions upon liquors as aforesaid, shall be collected and gathered by Naval Officers in their several and respective Districts, for which they shall have for their Salary eight pound *per Cent* and no more.

Provided always, that if any importer of Rum or Wine into this Province at the end of this Sessions of Assembly, and within three Months after his arrival such his report made to the Naval Officer or such other Officer legally impowered as aforesaid to take the same as aforesaid, shall export any of the said rum or wine by him imported as aforesaid, it shall and may be lawful for every such importer by way of debenture or draw back Money to stay and detain three fourth parts of such imposition; always provided that the said exporter who desireth the benefit of the said debenture or draw back shall declare on his corporal Oath to be administered by the said Officer on the Holy Evangelist that the said Rum or Wine by him desirous to export is part of the said Rum or Wine by him imported & made report thereof as aforesaid, This Act to endure for three years, or to the end of the first Sessions of Assembly which shall next happen after the end of the said three years.

An Act for Speedy Justice for Small Debts.

FORASMUCH as this present General Assembly have taken into their serious considerations the great damage and inconveniency accruing to the good people of this Province for the recovery of small debts by a due course of Law in the several and respective County Courts thereof, it often happening that such Creditors rather choose to loose their just Rights and Credits than be put to the trouble to Sue for the same, and further, it doth also appear to be no less a grievance and burthen to the debtors of such Creditors (persons for the most part indigent and poor) who being Sued frequently pay three times more cost than their original Debts amount unto, for the Redress of both parties for the future, and the immediate and speedy recovery of just Rights and prevention of the like agrievances for the time to come, it is therefore prayed that it may be enacted,

And **BE IT ENACTED** by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that no County Court within this Province shall hold Plea or have Jurisdiction for the hearing, trying or determining of any Action or Actions before them brought either by Bond, Bill, Assumption, Reckoning or Account wherein the real Debt or Damages doth not exceed the Sum of two hundred pounds of tobacco, or sixteen shillings and eight pence in money, but that in all such cases it shall and may be lawful for any one Justice of the Peace within the several and respective Countys, wherein the person debtor doth reside, to try, hear and determine the matter of controversy between them, the party and parties debtor and creditor as aforesaid, upon application to him made by any creditor or creditors of such debtor or debtors as aforesaid, and at the time of such application such Justice is also authorized and impower'd, also will'd and requir'd to issue out his Warrant and to depute such person for to execute the same as he shall think fit to command and bring before him the person of such debtor or debtors, & also summons to issue out for such witness or witnesses as either Plaintiff or Defendant shall have occasion to make use of with power to administer an Oath or Oaths to either Plaintiff or Defendant, or to either of their Evidences as occasion shall repuire for the better clearing of the matter in controversy before him, and upon full hearing of the Allegations of both parties, what may or can be given upon Oath in Evidence by both their witnesses, to proceed as the nature of the case shall require, whose determination shall be final; all which such Justice of the Peace before whom such matter of controversy shall be brought, shall do the same without any fee or reward; and if such party or parties against whom Judgment shall be given, shall refuse or delay to pay such debt as shall be awarded against him or them, then it shall and may be lawful for such Justice of the Peace to award Execution against the said party or parties for the debt aforesaid, by *fiat & facias* or *capias ad satisfaciendum*

shillings Sterling *per* Pole for the use aforesaid, on penalty and forfeiture of five pounds Sterling *per* Pole for every Negro kept back or unaccounted for, to be applied for the uses aforesaid, and to be recovered as aforesaid.

And Be it further Enacted by the Authority aforesaid, that from and after the publication hereof all Masters of Ships or other Vessels that shall either by land or water import any Rum or Wine into this Province shall pay unto the Naval Officer aforesaid where they make their entry the Sum of three pence *per* gallon for every gallon of Rum or Wine so imported into this Province as aforesaid, to be applied for the uses aforesaid, Liquors from *England* always excepted.

And Be it further Enacted by the Authority aforesaid, &c. that all Ships or other Vessels which have been built in this Province or hereafter shall be built as aforesaid, which are solely and wholly belonging to the inhabitants thereof, shall be wholly exempted & acquitted from paying the imposition of three pence *per* gallon aforesaid.

And Be it further Enacted by the Authority aforesaid, that no Rum or Wine upon which the duties aforesaid are assessed shall be landed or put on shore out of any Ship or other Vessel which shall import the same, or any other without due entry thereof made with the Officer thereby appointed (upon Oath of the said person or persons importing any of the aforesaid liquors) for collecting the same, in the Port or place where such liquors shall happen to be imported as aforesaid, or before the duty due and payable for the same be satisfied or secured to be satisfied, and a Warrant for the landing thereof be signed by the Officer for that purpose appointed upon pain and peril that all such liquors landed and put on shore contrary to the true intent and meaning of this Act shall be forfeited and lost, or the full value thereof; one half to be appropriated towards the defraying of the publick Leavy of this Province, and the other half to the informer or him or them that shall sue for the same, to be recovered in his Majestys Name, in any of his Majestys Courts of Record within this Province by Action of debt bill plaint or information, wherein no *exce*ption protection or wager of Law to be allowed.

And for the better encouragement of all Masters, Merchants, Owners and other persons whatsoever to make due entries and payment of the duties, rates and imposts raised by this Act, in consideration of leakage and other damages, the Officer is hereby authorized and empowered to make allowance and abatement of 20 gallons in every hundred gallons of all such liquors so to be duly entered as aforesaid, and the officers hereby appointed for collecting and gathering the duties aforesaid, shall and are hereby empowered upon any suspicion of fraud or deceit by any importer owner or proprietor of any such liquors, in concealing and not making due entry of the same, to go and enter on board any Ship or Vessel, or into any house or ware house on shore, and from thence to seize, bring on shore or secure all such liquors for which the duties aforesaid are not duly paid or secured to be paid as aforesaid, and that the said officers and their deputies may freely stay and remain on board until the goods are delivered and discharged out of the said Ship or Vessel, and all officers as well military as civil of this Province, and all masters and officers of Ships are hereby required and enjoined to be aiding and assisting to such Naval Officers in discharging of their duty aforesaid, for all which the said Officers and others assisting them shall be saved and kept harmless by virtue of this Act.

And Be it further Enacted by the Authority aforesaid, that all such Naval Officers shall give good security to the Governour of this Province for the time being, and shall take their several Oaths well and faithfully to gather the impost so arising by virtue of this Act or any clause herein contained, and adjust & faithfully to account twice a year, and to give and render to the publick Treasurer of this Province for the time being authorized for receiving the said impost, for which the said Treasurer shall have for their salary *4l. per Cent* who are to give good Bond for the same, to be accountable and render account to the next meeting of Assembly, to be by them disposed of towards the defraying of the publick leavy of this Province.

And Be it further Enacted by the Authority aforesaid, that every Master of a Ship or other Vessel at the time of his entry of such Ship or Vessel wherein such liquors shall be imported as aforesaid, shall render upon oath an account of the quantity and quality of liquors aforesaid, and severall & respective Naval Officers within

within this Province for the time being, shall at the time of their entry of such Ship or Vessel as aforesaid take good and sufficient security in his Majesty's name for the payment of the imposition aforesaid to such use and purpose and in such manner and form as by this Act is appointed, all which duties arising by such impositions upon liquors as aforesaid, shall be collected and gathered by Naval Officers in their several and respective Districts, for which they shall have for their Salary eight pound *per Cent.* and no more.

Provided always, that if any importer of Rum or Wine into this Province at the end of this Sessions of Assembly, and within three Months after his arrival such his report made to the Naval Officer or such other Officer legally impowered as aforesaid to take the same as aforesaid, shall export any of the said rum or wine by him imported as aforesaid, it shall and may be lawful for every such importer by way of debenture or draw back Money to stay and detain three fourth parts of such imposition; always provided that the said exporter who desireth the benefit of the said debenture or draw back shall declare on his corporal Oath to be administered by the said Officer on the Holy Evangelist that the said Rum or Wine by him desirous to export is part of the said Rum or Wine by him imported & made report thereof as aforesaid, This Act to endure for three years, or to the end of the first Sessions of Assembly which shall next happen after the end of the said three years.

An Act for speedy Justice for small Debts.

FORASMUCH as this present General Assembly have taken into their serious considerations the great damage and inconveniency accruing to the good people of this Province for the recovery of small debts by a due course of Law in the several and respective County Courts thereof, it often happening that such Creditors rather choose to loose their just Rights and Credits than be put to the trouble to Sue for the same, and further, it doth also appear to be no less a grievance and burthen to the debtors of such Creditors (persons for the most part indigent and poor) who being Sued frequently pay three times more cost than their original Debts amount unto, for the Redress of both parties for the future, and the immediate and speedy recovery of just Rights and prevention of the like agrievances for the time to come, it is therefore prayed that it may be enacted,

And BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that no County Court within this Province shall hold Plea or have Jurisdiction for the hearing, trying or determining of any Action or Actions before them brought either by Bond, Bill, Assumption, Reckoning or Account wherein the real Debt or Damages doth not exceed the Sum of two hundred pounds of tobacco; or sixteen shillings and eight pence in money, but that in all such cases it shall and may be lawful for any one Justice of the Peace within the several and respective Countys, wherein the person debtor doth reside, to try, hear and determine the matter of controversy between them, the party and party's debtor and creditor as aforesaid, upon application to him made by any creditor or creditors of such debtor or debtors as aforesaid, and at the time of such application such Justice is also authorized and impower'd, also will'd and requir'd to issue out his Warrant and to depute such person for to execute the same as he shall think fit to command and bring before him the person of such debtor or debtors, & also summons to issue out for such witness or witnesses as either Plaintiff or Defendant shall have occasion to make use of with power to administer an Oath or Oaths to either Plaintiff or Defendant, or to either of their Evidences as occasion shall require for the better clearing of the matter in controversy before him, and upon full hearing of the Allegations of both parties, what may or can be given upon Oath in Evidence by both their witnesses, to proceed as the nature of the case shall require, whose determination shall be final; all which such Justice of the Peace before whom such matter of controversy shall be brought, shall do the same without any fee or reward; and if such party or party's against whom Judgment shall be given, shall refuse or delay to pay such debt as shall be awarded against him or them, then it shall and may be lawful for such Justice of the Peace to award Execution against the said party or party's for the debt aforesaid, by *fiat* & *facias* or *capias ad satisfaciendum*

ciendum directed to the Sherrif of the County, which said Sherrif upon receipt of such precept from such Justice aforesaid shall immediately leavy the same upon his her or their Goods Chattels or Body, as the nature of the Writt shall require, all which such Sherrif shall do *ex officio*, saving to such Sherrif his fees of imprisonment if the party shall remain in custody twenty four hours.

And Be it further Enacted by the Authority aforesaid, &c. that in all Actions that shall be brought by any person or persons in any of the County Courts of this Province after the publication of this Law, wherein upon tryal it doth appear to the Court that the just ballance doth not exceed two hundred pounds of Tobacco sixteen Shillings and eight Pence in Money the Plaintiff shall be non suited, and judgment shall not be given any County Court of this Province to any person or persons for any such ballances aforesaid, but that the Plaintiff shall be nonsuited as aforesaid.

And Be it further Enacted by the Authority aforesaid that in any action or actions after the end of this Sessions of Assembly that shall be brought in the Provincial Court of this Province and upon tryal it doth appear to the Court that the just ballance is under fifteen hundred pounds of Tobacco, or six pounds five shillings in Money the Plaintiff shall be nonsuited as aforesaid.

And Be it Enacted by the Authority aforesaid, that his Majestys high Court of Chancery within this Province shall not hear, try, determin or give Relief in any Cause or Causes wherein the original Debt or Damages doth not amount to the Sum of twelve hundred and one pounds of Tobacco or five pounds and one peny in Money but that the Judgments of the County Courts of this Province for 12 hundred pounds of Tobacco or five pound in Money shall be final, any Law custom or usage to the contrary notwithstanding.

An Act for redifying the ill practices of the Attorneys of this Province, and ascertaining the Attorney General and Clerk of the Indictments Fees.

W H E R E A S by a certain Ordinance of Assembly made at a General Assembly held at the Port of Annapolis the twentieth day of May Anno Domini 1695. it was ordain'd that the Attorney General of this Province should have four hundred pounds of Tobacco Fee for all Actions he should bring upon Bonds taken in the name of our Sovereign Lord the King, and put in Suit in the Provincial Court of this Province to be paid by the party bound in the said Bond, and for all Criminal Causes where the Grand Jury shall find the Bill in the Provincial Court the Attorney General to have four hundred pounds of Tobacco, and that the Clerk of the Indictments in the several and respective County Courts should have two hundred pounds of Tobacco of the Criminals where the grand jury found the Bill by colour of the said Ordinance and lucre of Fees several Bonds have been put in Suit without any default, and several *ventres* have been issued before any presentment of the grand jury, or any order of the Court, so that divers of his Majestys good Subjects of this Province have been unjustly grieved, troubled & molested upon every trivial and slight complaint to the Attorney General and to the said Clerks of Indictments, for preventing of which great evil for the future the Delegates of this General Assembly do humbly pray that it may be Enacted, And

B E I T E N A C T E D by the Kings most Excellent Majesty by and with the Advice & Consent of this present General Assembly & the Authority of the same, that after the end of this Sessions of Assembly no Summons or other Process for any Criminal matter or misdemeanor shall issue out of any of the Courts of this Province against any person or persons whatsoever without a presentment be first found against the said person or persons by the grand jury, unless by a special order of Court, and if the Attorney General or any other Attorney of the Provincial Court shall issue forth Summons or any other Process against any person or persons and no presentment or order of Court appears upon the Record to justify the same, the said Attorney so offending shall forfeit and pay for such his offence the Sum of five thousand pounds of Tobacco, the one half to his Sacred Majesty towards the defraying of the publick Leavy of this Province, the other half to the party grieved, or him or them that shall inform or sue for the same, to be recover'd in the Provincial Court of this Province by Bill, Plaint or Information, and if any

Clerk

Clerk of Indictments in any of the County Courts of this Province, or any other Attorney practising in the said Courts shall issue forth any summons or other process against any person or persons for any Criminal matter or misdemeanor without presentment be found first by the grand jury against the said person or persons or special order of Court appearing upon Record to justify the same, the said Clerk of Indictments or other Attorney so offending shall forfeit and pay for such his offence the Sum of two thousand five hundred pounds of Tobacco, the one half to his Majesty towards the defraying the County Leavy, the other half to the party grieved or to him or them that shall inform or sue for the same, to be recovered in any Court of this Province, wherein no Esloyn or Protection shall be allowed Neither shall the party offending have any Appeal or Writ of Error, but the judgment of the County Court shall be definitive therein, and if the Clerk of the Provincial Court of this Province, or any of the Clerks of the County Courts of this Province shall issue out summons or other process in criminal causes without an order for the same, under the hand of an Attorney practising in the said Court or Courts to justify the same, the said Clerk or Clerks so offending shall be liable to the same forfeitures and penaltys of Attorneys so offending, and the said forfeitures to be recovered and go to the use aforesaid.

And Be it further Enacted by the Authority aforesaid, that the Attorney General of this Province shall not recover nor receive any fee for any Navigation Bond put in Suit, either where the certificate was before the Suit of the said Bond lodged in the Secretarys Office of this Province, or where it can be proved that he knew there was such certificate returned, neither shall the said Attorney General receive or have any fee for any Bond taken for Country dues, where the said Bond appears not to be forfeited, which was the true intent and meaning of the said Ordinance of Assembly, and if the said Attorney General after the end of this Sessions of Assembly shall sue any Bond taken contrary to Act of Parliament, or any Bond taken for Country dues, & no Bills of Exchange appearing protested, nor no other failure to forfeit the said Bond, or where the certificate is returned into the Secretarys office appointed for keeping the same, any of which cases appearing to the Provincial Court, the said Attorney General shall not only loose his fee but pay the honourable Secretarys fees and what other charges the party hath been out in defending the same, to be adjudged by the Provincial Court; and whereas several persons have been sued in his Majestys Name for a certain Sum, without ever mentioning for what the said Bond was taken, so that the said persons do not know what courses to take or whom to apply themselves to. The refore

Be it further Enacted by the Authority aforesaid, that when any Writt is issued forth upon a Bond taken in his Majestys name it shall be indorsed on the backside as followeth, if a Navigation Bond, for whom the person was bound and in what year, if a Sherrifs Bond, at whose request and prayer it was sued, or Bond taken in any of his Majestys Offices in this Province it shall be indorsed at whose request it was sued, and for want of such indorsment the Writt shall abate, and the party grieved shall recover his cost against the Attorney that sued forth the said Writt.

And Be it further Enacted by the Authority aforesaid, that upon any presentment of the grand jury upon the breach of any of the penal Laws of this Province, save that for suppressing of Criminals and trying of them in the County Court if the party presented confesses his crime and submits to the Court the Clerk of the Indictments shall have his fee for the same, but if the party traverse and puts himself upon a jury, then the said Clerk to have two hundred pounds of Tobacco fee, and that upon any presentment grounded upon the Law for suppressing Criminals upon any Statute of England, if Bill be found by the grand Jury, the Clerk of the Indictments shall have two hundred pounds of Tobacco fee, and that upon presentment found in the Provincial Court the Attorney General to have four hundred pounds of Tobacco fee.

An Act of directions for the Sherrifs Office in this Province.

FORASMUCH as great complaint hath been made by many the inhabitants of this Province, that great & many inconveniencies have happened and for the future may happen and accrew to Merchants and other persons trading into or inhabiting in this Province, who have several debts and Sums of To-

bacco due unto them from several persons in this Province, who for satisfaction of their said debts have paid away and delivered to their several creditors several quantitys and hogheads of Tobacco, and such hoghead or hogheads of Tobacco have been received marked and nailed by such Merchants or others trading into or residing within this Province as aforesaid, & thereupon the said creditors have delivered up unto their said debtors their Bills or other Specialty given for security of the said debts, or otherwise the said debtors have procured releases and discharges for the said debts. Yet notwithstanding afterwards the Sherriſ of such County upon pretence of publick debt due from the said persons debtors have seized the said creditors Tobacco so received, marked and nailed as aforesaid and lying in the said debtors tobacco houses, and by that means the said creditors are left without remedy for recovery of the said debt again to the great discouragement of trade and prejudice of such creditors, for prevention whereof for the future the Delegates of this present General Assembly do pray that it may be enacted,

And BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that any person or persons whatsoever Merchants or others within this Province, that have at any time within twelve months last past received mark and nailed, or for the future shall receive, mark or nail any hoghead or hogheads of tobacco within this Province of any person or persons debtors within the same, and which hath been paid and delivered to them for satisfaction of their said debts and such Merchant or others have upon receipt, marking and nailing such hoghead or hogheads of tobacco delivered up their Bills or other security to their respective debtors of their said debts, or if the said Merchants or others have given releases or discharges to their said debtors of the said debt & that before the said Merchant or others could remove the said hoghead or hogheads of tobacco from the said debtors tobacco houses, if any Sherriſ shall come and seize such tobacco so marked and nailed as aforesaid, that then and in every such case, if the party refuse to make & give to the said Creditors some other full satisfaction for their said debts, it shall and may be lawful for any two of his Majestys Justices of the respective Countys within this Province upon due proof thereof made before them of the said debt and Sherriſs seizure as aforesaid, and the party debtor refusing to make that full satisfaction to their Creditors for their said debts at the said Creditors request to award him Execution with Costs such Cost not exceeding one hundred pounds of tobacco against the Body Goods and Chattels of such debtor, to be executed by the Sherriſ for satisfaction of the creditors just debt and cost as aforesaid, in as full and ample manner as if the debt was recovered by due course of Law.

And Be it further Enacted by the Authority aforesaid, that no Sherriſ, under Sherriſ or Deputy that seize any tobacco unstript, nor seize or mark any merchant or other tobacco received marked and nailed as aforesaid for any cause whatsoever but only for Leavys, and the several Sherriſs are hereby impowered to break the Lock of any tobacco house or other houses where tobacco is or shall be secured with design to prevent the said Sherriſ from seizing such tobacco for publick leavys and any Sherriſ so seizing and marking any hoghead or hogheads of tobacco containing more than what is justly due to the publick for Leavys, without making satisfaction to the person whom such tobacco doth belong, as by giving credit, or suffering him to take the overplus out of such hoghead of tobacco, at the choice of the party paying or owing the same, shall pay for every such default the sum of two thousand pounds of tobacco, one half to his Majesty for support of Government, the other half to the party grieved, to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

And if it shall so happen that any time any Sherriſ shall seize any hoghead of tobacco which shall weigh more than such Leavy or Leavys shall amount unto, if the remaining part due to the party or partys from whom they shall receive such Leavy or Leavys be the greater quantity, then and in every such case the said Sherriſ or Sherriſs shall take out of the said hoghead such quantity or quantitys of tobacco due to him for such leavy or leavys, and the said hoghead and the remaining part of the tobacco shall be and remain with the party or partys paying the same, but if the remaining part of such hoghead of tobacco so seized as aforesaid and belonging to the party or partys paying the same shall be the less quantity

ty than is due to the said Sherrif or Sherrifs for leavys as aforesaid, then and in every such case the owner or owners of such tobacco shall take out the overplus of such tobacco, & the hogthead with the remaining part shall belong to such Sherrif or Sherrifs receiving the same.

And Be it further Enacted by the Authority aforesaid, that no Sherrif within this Province shall take, exact or receive of or from any person whatsoever fees, Sallary, Gratuity or Reward for serving any Writt, Warrant or Precept from the Governour and Council, or from any Justice of the Peace, or for doing any other thing in any of the Courts of Record upon any Suit or Suits in Criminal Causes but the several Sherrifs are hereby enjoyn'd to execute the same *ex officio*. And every Sherrif offending shall forfeit the sum of one thousand pounds of tobacco every such offence, the one half to his Majesty his Heirs and Successors for the support of Government, the other half to the party grieved, to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information, wherein no Effoyn Protection or Wager of Law to be allow'd.

And whereas many leigious persons have, and for the future may commence Actions of Trespas upon the Case rather out of spight and malice than any real cause of Action and not setting forth in the original Writt the cause of such Action, yet lay damage to a vast sum to deter persons from being Bail thereto, for prevention whereof for the future

Be it Enacted by the Authority aforesaid, that in all Actions of Trespas upon the Case where damages are laid to be above four thousand pounds of tobacco, if no Declaration be sent with the Writt expressing the true cause of Action, the Sherrif shall not require a Bail Bond exceeding the sum of eight thousand pounds of tobacco, altho' the damage be laid in the Writt for any greater sum whatsoever, & any Sherrif offending herein shall forfeit the sum of four thousand pounds of tobacco, the one half thereof to his Majesty his Heirs and Successors towards the support of Government, the other half to the party grieved, to be recovered in any Court of Record within this Province by Action of debt bill plaint or information, wherein no effoyn protection or wager of Law to be allowed.

And to the end that publick Creditors may be speedily satisfied their debts due from the publick, Be it Enacted by the Authority aforesaid, that every publick Creditor in this Province shall be at his election to make application to the Governour of this Province for the time being to put such Sherrifs Bond or Bonds in suit or otherwise may immediatly have an action of debt against such Sherrif in the County where the fact ariseth for such publick tobacco as shall be due to such creditor

And to the end that no officer or other person may be surpris'd or unjustly molested either upon the account of payment or collection of publick dues, Be it likewise Enacted, that no person or persons having publick tobacco to them due, or fees in any Sherrifs hands to collect, and that do not signify to such Sherrif or Sherrifs their dependance and resolution of making use of the same on or before the 25th day of December in the year the same shall to him or them be due, shall have take or demand any benefit or advantage by this Act allowed for that present year and so every year successively, nor shall the Sherrif of any the respective Countys leavy by way of Execution for any publick dues or officers fees, or from any the inhabitants within this Province where they have not made a demand thereof at or before the 20th day of January for that present year, and so every year successively.

And where any person having publick tobacco or fees in such Sherrifs hands & have made their demand thereof as aforesaid, or the said Sherrif demanded any publick dues or officers fees of the respective inhabitants within his Bailiwick within the times before limited, such demandant shall be obliged to take the same and discharge such debtor, for such and so much as shall be by him received, and on refusal of receiving thereof, the said tobacco so intended to be paid as aforesaid, being viewed and found merchantable by two honest Men of the neighbourhood shall be weighed and marked for the use of such demandant, and be a sufficient discharge to the person or persons paying the same for so much as the same did amount unto, provided the same be tendered on or before the tenth day of April, otherwise such tobacco to lie at the risque of the Sherrifs or others intending to receive advantage hereby, any thing herein contained to the contrary notwithstanding.

And Be it also Enacted by the Authority aforesaid, that no Sherriſ within this Province have in his hands any publick officers fees to collect ſhall preſume to leavy by Execution on any the inhabitants within this Province any fees to him committed to collect, where the perſon or perſons from whom ſuch fees appear to be due produce the former Sherriſs receipt, or otherwiſe make appear payment of the ſame, under forfeiture and penalty of treble the ſum, executed to the party or partys grieved, to be recovered with coſt in any Court of Record within this Province by Bill Plaint or Information, wherein no Eſſoyne Protection or wager of Law ſhall be allowed.

And forasmuch as Sherriſs Bonds have of late years been uſually taken in the County Courts for the better conveniency of the Sherriſs getting ſecurity without any certain form thereof preſcribed.

Be it therefore Enacted, that all Sherriſs Bonds hereafter to be taken throughout this Province to be made in manner and form following.

Maryland ff.

KNOW all Men by theſe preſents that we A B &c. of the County of
in the Province aforesaid Gent are holden and firmly bound unto
 our Sovereign Lord King William &c. in the full ſum and juſt quantity
 of two hundred thouſand pounds of good ſound merchantable leaf tobacco
 and taſk, to be paid to his ſaid Maſteſty his heirs and ſucceſſors, to the
 which payment well and truly to be poie we binde our ſelves and either of
 us, our and either of our Heirs Executors and Adminiſtrato jointly and
 ſeverally for the whole and in the whole firmly by theſe preſents as witneſſ
 our hands and ſeals the day of in the year of his Maſteſtys
 Reign Annoq^o Domini

THE CONDITION of the above Obligation is ſuch, that if the above bounden A. B. do well and truly ſerve his ſaid Maſteſty his heirs and ſucceſſors in the office of high Sherriſ of the ſaid County of within this Province aforesaid, and alſo ſhall render unto his ſaid Maſteſty and other his ſaid Officers a true faithful and perfect account of all and ſingular his ſaid Maſteſtys Rights and Dues and to his Officers a true and juſt account of their fees, that he ſhall or may be intruſted with, by his Maſteſtys Governour and other his Officers within this Province aforesaid to receive and collect, and his account to his ſaid Maſteſty his heirs and ſucceſſors, or to his or their Goavernour here for the time being for the fines and forfeitures and other dues belonging to his ſaid Maſteſtys Governour, as alſo his account of all fees, dues or ſums of money or tobacco for leavys or fees due to any his Maſteſtys Officers and other good people within this Province, ſhall paſs an account for by the tenth day of April next enſuing the date hereof, and in all other things as Sherriſ of the ſaid County of ſhall behave himſelf well and honeſtly towards all perſons, according to the beſt of his power, ſkill and knowledge, then this obligation to be void and of no effect, or elſe to ſtand in full force ſtrength and vertue.

Which ſaid Bond when taken in form aforesaid, if by the County Court the Commiſſioners thereof ſhall tranſmit the ſame into the Secretarys Office together with all former Sherriſs Bonds by them taken, and the ſaid Commiſſioners are hereby required and injoynd to take new ſecurity yearly, and every year, of ſuch Sherriſs ſo long as they ſhall continue in the ſaid Office, having eſpecial regard not to admit any perſon to be ſecurity as aforesaid but ſuch as are good and ſubſtantial Freeholders within their County, and alſo to make the obligation of ſuch Bond ſo to be taken from any Sherriſ anſwerable to the publick charge of their reſpective Countys. And for encouragement of ſuch perſons now bearing or that ſhall hereafter bear the office of Sherriſ and who ſhall punctually comply with the publick Creditors, it is alſo hereby further Enacted, that it ſhall and may be lawful for his Maſteſtys Governour for the time being where no juſt complaint is made againſt ſuch Sherriſ to continue and make good their Commiſſion for the time and term of three years ſucceſſively but no longer.

75 95

*An Act prohibiting the inhabitants of this Province or any others from carrying
Liquors to the Indian Towns.*

BE IT ENACTED by the Kings most-Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from & after the publication hereof any person or persons whatsoever inhabiting or trading into this Province, that shall presume to carry any liquors whatsoever to any Indian Fort or Town, or within three miles of such Fort or Town, and shall vend or dispose of the same to any Indian or Indians whatsoever, such person or persons shall forfeit the sum of five thousand pounds of tobacco, one half thereof to our Sovereign Lord the King his Heirs and Successors towards the Support of Government, the other half to him or them that shall inform or sue for the same, to be recover'd in any Court of Record within this Province, wherein no Enjoyn Protection or wager of Law to be allowed.

An Act for Summoning grand and petty Juries.

WHEREAS by Law it appears to be the indubitable Right and Property of the Kings Majestys Subjects throughout all his Majestys Dominions in all cases, either *meum* and *tuum* or Criminal matters to be tried by their equals, that is a grand and petty Jury. And for that the constitution of this his Majestys Province will not admit of such ways and methods as is practised in the Kingdom of England by reason of the small number of inhabitants, & divers other impediments not to be avoided.

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the chief Clerk of the Provincial Court shall issue out several Writts of *venire facias* for two good and lawful Men Freeholders to serve upon a grand Jury for the Body of this Province, and several other the like Writts of *venire facias* for three like good and lawful Men to serve upon petty Juries, which Writts of Summons shall be directed to the high Sherrifs of each County in this Province, by vertue of which said Writts the said Sherrifs shall 20 days at least before the Provincial Court at which the said Jurors shall serve summons and give notice to the said party and partyes, that they be and appear as by the Writts of Summons shall be directed, (Justices of the Peace and Delegates always excepted) and for default hereof, the Sherrif so offending shall forfeit and pay a Fine of one thousand pounds of tobacco, and each party so summoned and refusing to serve and not appearing at the time and place appointed shall forfeit and pay a fine of five hundred pounds of tobacco, and if it so happen by casualty or by accident that there shall not appear a sufficient number for a grand Jury legally summoned, then the number to be made good and compleated by the high Sherrif attending the said Court of other persons by standers of the same County if any be present, but if none present, of the next adjacent County legally qualified to serve as aforesaid, and upon refusal they shall be subject to the like fines as aforesaid, & for such their service & attendant e of the grand Jury at each Court they shall have an allowance of three thousand pounds of tobacco out of the publick Revenue of this Province towards the defraying of their charges and expences.

And it is hereby further Enacted by the Authority aforesaid, that the high Sherrifs of each and every respective County in this Province are hereby authorized & impowered to summon a sufficient number of Freeholders, good & lawful Men to serve on a grand Jury in the County Courts of this Province twice yearly at the least, that is to say at *March* and *November* Court, and oftner if need require, at the discretion of the Justices of the said Countrys, and to summon the said grand Jurors at least ten days before each Court, for which Service the Justices of each respective County Court shall and are hereby impowered to make such reasonable Allowance as to them shall seem meet, not exceeding the sum of four hundred pounds of tobacco each court & the said Sherrifs neglecting their office & duty herein as aforesaid, shall for every such offence forfeit and pay the sum of five hundred pounds of tobacco, and the party or partyes so refusing to serve when legally summoned shall forfeit and pay the sum of two hundred and fifty pounds of tobacco,

And Be it also Enacted by the Authority aforesaid, that no Sherif within this Province have in his hands any publick officers fees to collect shall presume to leavy by Execution on any the inhabitants within this Province any fees to him committed to collect, where the person or persons from whom such fees appear to be due produce the former Sheriffs receipt, or otherwise make appear payment of the same, under forfeiture and penalty of treble the sum, executed to the party or partys grieved, to be recovered with cost in any Court of Record within this Province by Bill Plaint or Information, wherein no Essoyn Protection or wager of Law shall be allowed.

And forasmuch as Sheriffs Bonds have of late years been usually taken in the County Courts for the better conveniency of the Sheriffs getting security without any certain form thereof prescribed.

Be it therefore Enacted, that all Sheriffs Bonds hereafter to be taken throughout this Province to be made in manner and form following.

Maryland ff.

KNOW all Men by these presents that we A B &c. of the County of in the Province aforesaid Gent are holden and firmly bound unto our Sovereign Lord King William &c. in the full sum and just quantity of two hundred thousand pounds of good sound merchantable leaf tobacco and task, to be paid to his said Majesty his heirs and successors, to the which payment well and truly to be paid we binde our selves and either of us, our and either of our Heirs Executors and Administrato jointly and severally for the whole and in the whole firmly by these presents as witness our hands and seals the day of in the year of his Majestys Reign Anno¹ Domini

THE CONDITION of the above Obligation is such, that if the above bounden A. B. do well and truly serve his said Majesty his heirs and successors in the office of high Sherif of the said County of within this Province aforesaid, and also shall render unto his said Majesty and other his said Officers a true faithful and perfect account of all and singular his said Majestys Rights and Dues and to his Officers a true and just account of their fees, that he shall or may be intrusted with, by his Majestys Governour and other his Officers within this Province aforesaid to receive and collect, and his account to his said Majesty his heirs and successors, or to his or their Goavernour here for the time being for the fines and forfeitures and other dues belonging to his said Majestys Government, as also his account of all fees, dues or sums of money or tobacco for leavys or fees due to any his Majestys Officers and other good people within this Province, shall pass an account for by the tenth day of April next ensuing the date hereof and in all other things as Sherif of the said County of shall behave himself well and honestly towards all persons, according to the best of his power, skill and knowledge, then this obligation to be void and of no effect, or else to stand in full force strength and vertue.

Which said Bond when taken in form aforesaid, if by the County Court the Commissioners thereof shall transmit the same into the Secretarys Office together with all former Sheriffs Bonds by them taken, and the said Commissioners are hereby required and enjoined to take new security yearly, and every year, of such Sheriffs so long as they shall continue in the said Office, having especial regard not to admit any person to be security as aforesaid but such as are good and substantial Freeholders within their County, and also to make the obligation of such Bond so to be taken from any Sherif answerable to the publick charge of their respective Countys. And for encouragment of such persons now bearing or that shall hereafter bear the office of Sherif and who shall punctually comply with the publick Creditors, it is also hereby further Enacted, that it shall and may be lawful for his Majestys Governour for the time being where no just complaint is made against such Sherif to continue and make good their Commission for the time and term of three years successively but no longer.

75

*An Act prohibiting the inhabitants of this Province or any others from carrying
Liquors to the Indian Towns.*

BE IT ENACTED by the Kings most-Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from & after the publication hereof any person or persons whatsoever inhabiting or trading into this Province, that shall presume to carry any liquors whatsoever to any Indian Fort or Town, or within three miles of such Fort or Town, and shall vend or dispose of the same to any Indian or Indians whatsoever, such person or persons shall forfeit the sum of five thousand pounds of tobacco, one half thereof to our Sovereign Lord the King his Heirs and Successors towards the Support of Government, the other half to him or them that shall inform or sue for the same, to be recover'd in any Court of Record within this Province, wherein no Enjoyn Protection or wager of Law to be allowed.

An Act for Summoning grand and petty Juries.

WH E R E A S by Law it appears to be the indubitable Right and Property of the Kings Majestys Subjects throughout all his Majestys Dominions in all cases, either *meum* and *tuum* or Criminal matters to be tried by their equals, that is a grand and petty Jury. And for that the constitution of this his Majestys Province will not admit of such ways and methods as is practised in the Kingdom of England by reason of the small number of inhabitants, & divers other impediments not to be avoided.

BE IT THEREFORE ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the chief Clerk of the Provincial Court shall issue out several Writts of *venire facias* for two good and lawful Men Freeholders to serve upon a grand Jury for the Body of this Province, and several other the like Writts of *venire facias* for three like good and lawful Men to serve upon petty Juries, which Writts of Summons shall be directed to the high Sherrifs of each County in this Province, by vertue of which said Writts the said Sherrifs shall 20 days at least before the Provincial Court at which the said Jurors shall serve summons and give notice to the said party and partys, that they be and appear as by the Writts of Sumons shall be directed, (Justices of the Peace and Delegates always excepted) and for default hereof, the Sherrif so offending shall forfeit and pay a Fine of one thousand pounds of tobacco, and each party so summoned and refusing to serve and not appearing at the time and place appointed shall forfeit and pay a fine of five hundred pounds of tobacco, and if it so happen by casualty or by accident that there shall not appear a sufficient number for a grand Jury legally summoned, then the number to be made good and compleated by the high Sherrif attending the said Court of other persons by standers of the same County if any be present, but if none present, of the next adjacent County legally qualified to serve as aforesaid, and upon refusal they shall be subject to the like fines as aforesaid, & for such their service & attendant e of the grand Jury at each Court they shall have an allowance of three thousand pounds of tobacco out of the publick Revenue of this Province towards the defraying of their charges and expences.

And it is hereby further Enacted by the Authority aforesaid, that the high Sherrifs of each and every respective County in this Province are hereby authorized & impowered to summon a sufficient number of Freeholders, good & lawful Men to serve on a grand Jury in the County Courts of this Province twice yearly at the least, that is to say at *March* and *November* Court, and oftner if need require, at the discretion of the Justices of the said Countrys, and to summon the said grand Jurors at least ten days before each Court, for which Service the Justices of each respective County Court shall and are hereby impowered to make such reasonable Allowance as to them shall seem meet, not exceeding the sum of four hundred pounds of tobacco each court & the said Seerrifs neglecting their office & duty herein as aforesaid, shall for every such offence forfeit and pay the sum of five hundred pounds of tobacco, and the party or partys so refusing to serve when legally summoned shall forfeit and pay the sum of two hundred and fifty pounds of tobacco,

& the said fine to be leaved upon all petty Jury Men legally summoned who shall be legally qualified as afore in this Act recited and provided.

And Be it Enacted by the Authority aforesaid, that all and every the Fines and Forfeitures that shall fall or accrew by vertue of this before recited Act shall be paid to our Sovereign Lord the King his Heirs and Successors for the Support of Government, any Law Statute or Custom to the contrary notwithstanding. This Act to indure for three years, or to the end of the next Sessions of Assembly which shall first happen.

An Act for taking special Bail in the several Countys in this Province, upon Actions and Suits depending in his Majestys Provincial Court.

FOR the greater ease & benefit of all persons inhabiting & residing within this Province in taking Recognizances of special Bail in all Actions & Suits depending or to be depending in his Majestys Provincial Court of this Province.

B E I T E N A C T E D by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that when special Bail is required by the Provincial Court by the Plaintiffs Attorney at the calling over of the appearance Docket, and that the Court doth rule that special Bail shall be given, and the partys against whom the rule is that he shall give special bail be present, the party defendant shall then and there give special bail in open Court, and shall be deemed to be in the custody of the Sheriff that arrested him in that Action till he give special bail as aforesaid is required, but if the said party defendant be not able at the said Provincial Court then and there to procure special bail, yet the said party shall remain and be in custody of the same Sheriff that arrested him, and by him in safe custody kept and guarded, and carried back into the County where the Defendant was arrested, and therein safe custody kept until he can procure such special bail, but if the said party against whom such rule is that special bail shall be given be not present at the Provincial Court, then the Sheriff of that County where the said party defendant was arrested may and shall by vertue of such rule aforesaid for special bail to be given take the party into his custody again, and there keep till he can procure special bail according to the rule of Court; And for the greater ease of making & taking Recognizances of such special bail, it shall and may be lawful for any person that shall be by his Majestys Commission appointed one of the Justices of the Provincial Court of this Province within such County where such Justice of the Provincial Court shall inhabit, & in case of death or absence of such Justice of the Provincial Court then it shall be lawful for the President of the County Court to take & receive all and every such Recognizance or Recognizances of Bail or Bails as any person or persons shall be willing or desirous to acknowledge or make before him in his County, in any Action or Suit depending or hereafter to be depending in the said Provincial Court; which Recognizance shall be taken in manner and form as followeth, *viz.*

J: Doe. Plff' I You A: B. and C: D. and either of you do undertake for the against I said R: Roe: Defendant in ----- pounds of tobacco to R: Roe Dct' I be leaved on your and either of your Lands and Tenements, Goods and Chattels to the use of the said J: Doe the Plaintiff, upon condition that if the said J: D. obtain Judgment in an Action of Debt or Trespas upon the case depending in the Provincial Court against the said R: R. the Defendant, that then the said R, R. shall pay the condemnation, or deliver himself to the prison of our Sovereign Lord the King or you will do it for him, they acknowledge themselves to be content therewith, this ----- day of ----- before me

To the honourable Justices of the Provincial Court. Which said Recognizance or Recognizances of Bail or Bail Prizes so taken as aforesaid, shall be transmitted to the Justices of the said Provincial Court at the next Provincial Court sitting when and where such Action or Suit shall be depending; which Recognizance or Recognizances of Bail Prizes so taken as aforesaid, the said Court shall receive upon payment of such Fees as have been usually received for the taking of such special Bail by the Officers of the said Court, and shall be of like force and effect as if the same were taken *de bene esse* before the Justices of the said Provincial Court during

during their sitting, for taking of every such Recognizance or Recognizances of Bail or Bail Prizes, such Justices of the Provincial Court, or President of the County Court that shall take such Bail, shall receive only the sum of five shillings and no more.

And Be it further Enacted by the Authority aforesaid, that the Justices of the Provincial Court shall make such rules and orders for the justifying of such Bails and making the same absolute as to them shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in person in the Provincial Court to justify him or themselves.

And it is hereby further Enacted by the Authority aforesaid, that such Justices of the Provincial Court before whom any Recognizance of Bail may happen to be taken, such Justice hath and power is hereby given him to examine the Surety or on Oath touching the value of their respective Estates if occasion shall require, any Law usage custom or practice notwithstanding.

An Act for the Constables taking a List of Taxables.

BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof every Constable within this Province shall at or before the 20th. day of June in every year respectively repair in person to every respective house or habitation within his hundred, and there require of the Master, Mistress, Dame or other chief person of the Family a true List from under their hands of all their taxable persons they and every of them have within their respective Familys, out of which List the said Constable shall make two fair fair Lists under his hand, and one he shall send to the Sheriff of the County, and the other he shall present to the next County Court to be set up, and if in case any Master, Mistress, Dame or other chief person of a Family shall refuse or deny to give such List, or in their absence leave at their dwelling houses or quarters such a List and Account of their taxable persons of their several Familys, or in the said account shall conceal any taxable person or persons in his or their Family, for every such offence not giving a true list and account of them to the Constables by the time required, and for every taxable person by them concealed shall forfeit and pay for every such offence the sum of five hundred pounds of tobacco for every person so by him or them concealed, & every Constable neglecting his office herein, shall forfeit and pay the sum of five hundred pounds of tobacco for every such offence, one half thereof to his Majesty his Heirs and Successors for the Support of Government, the other half to the informer or him or them that will sue for the same, to be recovered in any Court of Record within this Province, wherein no Essoyn Protection or Wager of Law to be allowed.

And Be it further Enacted by the Authority aforesaid, &c. if any inhabitant within this Province, shall from the time herein appointed for taking the list of taxables, on the last day of July purchase any taxable person or persons, he or she shall with all convenient speed give notice of the said taxable or taxables to the Constable of the said hundred, who is hereby enjoined to give account to the next County Court, and to the end that no person for the future may be ignorant what persons are taxables and what not.

Be it Enacted by and with the Advice and Consent aforesaid, that all Male Children born within this Province and resident in it shall be taken and accounted taxables at the age of sixteen years and upwards, and all Male Children Servants imported into this Province at the age of sixteen years and upwards shall be accounted taxables, and all Slaves whatsoever either Male or Female imported into or born in this Province at or above the age of sixteen years shall be accounted taxables and so rated, and that all Freemen within this Province (except Clergy Men and likewise such poor impotent persons that receive Alms from the county) shall be accounted taxables being above the age of sixteen years.

An Act for the due Recording of all Laws of this Province in the Secretarys Office, as also transmitting the Journal of the house of Delegates into the Secretarys Office.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the Secretary of this Province in whose custody the Records remain, do at or before the tenth day of March next cause all such Laws and Acts of Assembly as shall be of force at the end of this present Sessions of Assembly to be entred upon Record in a large new Book of a large Folio and good and substantial Paper well bound, either in Leather or Parchment to be writt in a fair legible hand, as also all other Laws hereafter to be made within six Months after any Sessions of Assembly that shall hereafter happen, to be kept in the Secretarys Office onely, and also cause the same to be examined by the original Acts, to which the Governour has affixed the broad Seal, and the same so entred shall be signed by the Honourable the Secretary and sealed with the lesser Seal, and that his Honour the Secretary cause a List or Catalogue of the said Laws to be entred in the said Book, and an Index or Table directing to every Act in the same, and in default thereof by the time aforesaid, shall pay as a Fine for the same the sum of ten thousand pounds of tobacco, to be recovered in his Majestys name, the one half to his Majesty for the support of Government, the other half for him or them that shall sue for the same, and when the same is written and done, the said Secretary shall at the next General Assembly be allowed and paid out of the publick Leavy so much as the said Secretary shall reasonably deserve.

And Be it further Enacted by the Authority aforesaid, that the Clerk of the House of Delegates for the time being transcribe the Journal of the said House within two Months after the Prorogation or Dissolution of any Assembly now held or to be held hereafter, upon penalty of five hundred pounds of tobacco, to be forfeited and paid to our Sovereign Lord the King one half of which Fines for the support of Government, and the other half to him or them that shall sue for the same, to be recovered in any Court of Record within this Province by Bill, Plaint or Information, wherein no Effoyn Protection or wager of Law to be allowed.

An Act for securing Merchants and others tobacco after they have received it.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof every Housekeeper and Inhabitant within this Province having a Plantation whereon he maketh or causeth to be made any tobacco, shall build and erect, or otherwise fit up and make ready a good tight House, with a good Door Lock and Key upon every Plantation where such tobacco is made as aforesaid, and sufficient to contain the tobacco made on every Plantation.

And Be it further Enacted by the Authority aforesaid, that every Inhabitant or Housekeeper as aforesaid, having a Plantation whereon he maketh or causeth to be made any tobacco as aforesaid, and that shall pay away and dispose of any tobacco to any Merchant, Master of Ship or Sailor or any other person whatsoever, shall notwithstanding such disposure or payment, secure and keep the said tobacco as he would do his own proper Goods for and during the space of one whole year, commencing from the time of receiving the tobacco and no longer; and if any tobacco so received as aforesaid for the want of such house as aforesaid should be damaged or stole, the person neglecting to provide such house shall make satisfaction to the party that received the same.

Provided always that nothing in this Act contained shall be construed meant & intended to make any Inhabitant or Housekeeper lyable to any damage which shall or may happen to any tobacco so left with him to keep secure through any other casualty whatsoever.

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An Act for regulating of Ordinarys, and limiting the number of them within this Province.

A New Law 1704. J. P. Kerr

FOR the better regulating Ordinary keepers & Inholders within this Province for the future BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that from and after the publication hereof, the Commissioners of each County Court, and the Mayor Recorder and Aldermen of the City of St. Marys at the Mayors Court, be and are hereby impowered and authorized from time to time as often as need shall require to grant Licences to such person & persons as they shall think fit to be Ordinary keepers and Inholders for the keeping of Ordinarys and houses of entertainment, so long time as in such and so many places within their severall and respective Countys and City aforesaid, for the ease and conveniency of the Inhabitants, Travellers and Strangers as to them respectively shall seem meet, for which Licences the said persons that shall be so licensed to keep Ordinarys, except all such persons as shall keep Ordinary or Ordinarys in the Port of Annapolis in the County of Ann-Arundel, shall at the time of his or their taking such Licence or Licences be bound & oblig'd to pay unto the Secretary of this Province for the time being if he or they keep Ordinary within the Port of Annapolis in Ann-Arundel County or within two miles thereof the sum of two thousand pounds of tobacco yearly for a fine for every such Licence, or if he or they do keep Ordinary within the City of St. Marys, or at any County Court House, or at the Town and Port of Williamstadt within this Province the sum of twelve hundred pounds of tobacco, and if any person or persons shall keep any Ordinary or houses of entertainment in other remoter parts, for entertainment of travellers shall pay to the said Secretary for the time being yearly for a fine the sum of four hundred pounds of tobacco and no more, and give Bond for the payment thereof.

And it is hereby Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that the Clerk of each respective County Court within this Province, and the Clerk of the Mayors Court of the said City of St. Marys shall cause such Licence and the fines for granting such Licences and the security given for the payment and performance thereof, to be duly entred upon Record in their severall Courts, and then transmit the said Bonds to the Justices of the Provincial Court for his Majestys said Secretarys use, for which said Licence and Bonds such Ordinarykeepers shall pay to such respective Clerk sixty pounds of tobacco and no more.

And Be it further Enacted by the Authority aforesaid, &c. that the Commissioners of the severall County Courts, and the Mayor, Recorder and Aldermen of the said City be and are hereby authorized & impowered at their severall County Courts and Mayors Court in the Month of January and the Month of August half yearly and every year during the continuance of this Act, having summoned each respective Ordinarykeeper within their respective Countys and City, then & there to set and assess the Rates and prices of all liquors whatsoever in this present Act not hereafter mentioned by them the said Ordinarykeepers vended or to be vended for the year ensuing, and so for every year during the continuance of this Act, which rates and prices so to be set & assessed, limited & appointed by the Commissioners aforesaid, and by the Magistrates of the City aforesaid, shall be by their severall and respective Clerks transcribed and set up at their severall and respective County Courts and City aforesaid, in some publick place or places there, that every person or persons may peruse the same, the Copy of which table and prices of liquors every Ordinarykeeper within each County are hereby obliged to transcribe fairly and keep the same set up in the most publick place of their house or houses for the perusal of all persons that receive any Ordinary accommodations from them, under the penalty of one thousand pounds of tobacco, to be applyed to the use of the County where such Ordinarykeeper shall live, to be sued for in case of non payment thereof in his Majestys name, for which sums and table of prices every Ordinarykeeper shall pay to such Clerk the sum of forty pounds of tobacco and no more. And any Ordinarykeeper and Inholder that shall after the setting and assessing the rates and prices aforesaid, directly or indirectly take, exact, demand

mand or receive for the price and pay for any such liquors for which the rates and prices shall be set and assessed as aforesaid of any person or persons whatsoever above the rates and prices so assessed as aforesaid, shall for every such offence forfeit and pay the sum of five hundred pounds of tobacco, one half thereof to his Majesty his Heirs and Successors for the use of the County, and the other half to him or them that shall inform or sue for the same, and loose every such debt so unjustly charged, exacted and demanded, the said forfeitures to be recovered in any Court of Record within this Province, wherein no Essoyn Protection or wager of Law to be allowed.

And every such Ordinarykeeper that shall demand, exact or receive above the sum of ten pounds of tobacco *per* gallon for small beer, twenty pounds of tobacco *per* gallon for strong beer, for a nights lodging in a bed four pounds of tobacco, for a peck of shaled Indian Corn or Oats for a Horse twelve pounds of tobacco, for pasturage for a horse *per* night six pounds of tobacco, for hay or straw for a Horse *per* night ten pounds of tobacco, shall also pay and forfeit for every such offence the sum of five hundred pounds of tobacco, one half thereof to his said Majesty his Heirs and Successors for the use of the County, and the other half to him or them that shall inform or sue for the same, to be recovered as aforesaid, and loose every such debt so unjustly charged as aforesaid; And to the intent that all persons inhabitants, strangers and travellers may be certain of good and sufficient accommodations for themselves and their horses.

Be it Enacted by the Authority aforesaid, that every Ordinarykeeper or Inholder to be licenced as aforesaid, shall within six months after granting their respective licences be hereby obliged to provide & maintain if the said Ordinary be kept at the Court House in the said County, or the Port and Town of *Annapolis* and *Williamstadt* twelve good and substantial beds over & above what is for their own Familys use with covering for the same, together with accomodation of oats, hay, and straw for litter and indian corn, with stabling for twenty horses at least, and if any such Ordinary be kept at any other part of the County then at the Court House aforesaid, such Ordinarykeeper shall within the time aforesaid be provided with four spare beds with covering, and sufficient stabling and provinder for six horses at the least, under the penalty of five hundred pounds of tobacco, one half thereof to his Majesty his Heirs and Successors for the use of the County, the other half to him or them that shall inform or sue for the same, to be recovered by Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allowed.

Provided alway that no or person persons so licenced or to be licenced to keep Ordinary as aforesaid, shall during their time of such their keeping Ordinary be Justices of the Peace nor Commissioners in any County Courts within this Province, nor any Mayor, Recorder or Alderman of the said City of *St. Marys*, any thing in this present Act to the contrary notwithstanding.

And it is further Enacted by the Authority aforesaid, that if any Ordinarykeeper keeping evil Rule in his House upon complaint made thereof to the Justices of the County Court of such Ordinarykeepers misbehaviour or keeping evil rule in his house, the said Justices of the County Courts are hereby authorized & empowered to suppress such Ordinarykeeper, and call in such Licence.

And Be it further Enacted by the Authority aforesaid, that any Ordinarykeeper disabled or suppressed as aforesaid, or any other person that shall presume to keep Ordinary without Licence first had and obtained as aforesaid, shall for every month he or they shall keep Ordinary as aforesaid forfeit and pay two thousand pounds of tobacco, one half to his Majesty for the use aforesaid, and the other half to him or them that shall sue for the same, to be recovered in any Court of Record within this Province by Bill plaint or information, wherein no Essoyn Protection or wager of Law to be allowed. And

Be it further Enacted by the Authority aforesaid, that no person or persons inhabiting within this Province, not having lawful licence shall sell by retail any *Sider* quince-drink or other strong Liquors to be drank in his her or their houses, or about his her or their Plantations upon forfeiture of every time he she or they shall be legally convicted thereof the sum of one thousand pounds of tobacco, one half thereof to his Majesty his Heirs and Successors for and towards defraying the County charge where such forfeiture shall become due, and the other half to the informer

informer or to him or them that shall sue for the same, to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information, wherein no Esloyn Protection or wager of Law to be allow'd.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that no person or persons whatsoever so licenced to keep Ordinary as aforesaid, shall refuse to credit any person capable of giving a Vote for election of Delegates in any County within this Province to the value of four hundred pounds of tobacco *per Annum* for any accomodations by him vended, whereof any such person so capacitated as aforesaid shall have occasion of or require to be acomodated with, under the penalty or forfeiture of four hundred pounds of tobacco, by each Ordinarykeeper so refusing to credit such person as aforesaid, one moiety thereof to his Majesty his Heirs and Successors for and towards the defraying the Countys charge where such forfeiture shall become due, the other moiety to the informer or him or them that shall sue for the same, to be recovered as aforesaid.

And whereas it hath been found prejudicial to the inhabitants of this Province, that such Ordinarykeepers or Inholders have frequently entertained divers Freemen and loose persons a great time tipling at their Houses, as well to many other persons great damage as their own ruin.

Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that it shall not be lawful for any such Ordinarykeeper or Inholder to keep such Ordinary or House of Entertainment, until they have passed before the Justices of each respective County granting their Licences a Bond with good Security to the value of twenty pound Sterling that they shall not entertain any Freeman or other loose person in their House above twenty four hours, unless such person be capable to give his vote for a Delegate in the said County, or that they be retained as a Servant to the said Ordinarykeeper or Inholder, any Law usuage or custom to the contrary notwithstanding.

And it is also hereby Enacted by the Authority aforesaid, that the Justices of the Provincial Court and the Commissioners of the respective County Courts shall give this Act in charge to the severall grand Jurys, and also to the severall Commissioners of the respective Courts, and the Magistrates of the said City to their severall and respective Constables to inquire into the breach of this Act, and into all disorders committed in the said Ordinaries and present the same (if any be) to the severall Courts to be examined and punished according to Law.

And that all and every Act and Acts formerly made concerning Ordinarykeepers are hereby repealed and made void. This Law to continue for three years, or the end of the next Sessions of Assembly, which shall first happen after the end of the said three years.

An Act for securing the Parochial Librarys of this Province, and that the care and charge thereof be committed to some worthy and learned Person.

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BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the Librarys appointed for the severall and respective Parishes within this Province shall be & remain in the hands and possession of the Minister of the Parish and if any Minister be presented, appointed or inducted to the said Parish during his residence in the Parish aforesaid, who is and shall be obliged to keep and preserve the said Library from wast and imbezlement, & be accountable for the same to the Governour and Council and Vestry as often as required; And to that purpose the said Minister shall pass two receipts for the said Books, inserting what they are, and the title and page of the same, one receipt to go to the Governour and Council, and the other to the Vestry of the Parish to be recorded in their Records, and the said Vestrys are hereby obliged to visit the said Librarys twice in the year, and inspect the same; and in case of any damage or imbezlement thereof to require and cause satisfaction to be made for the same, and in case any Minister having the charge of such Library shall be removed from his charge, he shall deliver the said Library to the Vestry of the Parish and make satisfaction or reparation if any damage or wast suffered before his departure out of the said parish

Parish, except by fire or such like unavoidable accident, or in case of the death of any such Minister having the charge of such Library, the Vestry of the said Parish shall immediately take the said Library into their custody & keeping and pass their receipts for the same as above directed, and shall in all points be answerable for the same, except by fire or such like accident as aforesaid; And for the better preserving and securing the said Librarys, the learned and worthy Doctor *Thomas Bray* or his Successors is herereby appointed chief Visitor of all and every the said Librarys within the said Province.

And Be it further Enacted by the Authority aforesaid, that one Act of Assembly made at a General Assembly held at the Port of *Annapolis* the sixteenth day of September 1696. intituled *An Act for securing the Parochial Librarys of this Province* be and is hereby Repealed and made Void & of no Effect.

An Act for punishment of Blaspheming, Fornication, Adultery, prophane swearing and cursing.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof, if any person or persons whatsoever inhabiting or being within this Province shall blaspheme GOD (that is to say) curse him, and deny our Saviour Jesus Christ to be the SON of GOD, or shall deny the Holy Trinity, the FATHER SON and HOLY GHOST, or the God head of any of the three Persons or the unity of the God-head, or shall utter any reproachful Speeches, Words or Languages concerning the HOLY TRINITY or any of the three Persons thereof, for his her or their first offence shall be bored through the Tongue and fined the Sum of twenty pounds Sterling to his Sacred Majesty towards the defraying the County charge where the said offence shall be committed, to be leavied upon his her or their Goods & Chattels, Lands and Tenements (if any they have) but if such offender or offenders have not Goods and Chattels, Lands and Tenements to the value aforesaid, then such offender or offenders shall suffer six months imprisonment without bail or mainprize, & for every second offence whereof every such offender or offenders shall be legally convicted, he she or they so offend as aforesaid shall be stigmatized in the Forehead with the letter B, and to be fined forty pounds Sterling to the uses aforesaid, and in case he she or they so offending as aforesaid shall not have Goods and Chattels, Lands and Tenements to the value aforesaid, every such offender or offenders shall suffer imprisonment for the space of one whole year without bail or mainprize as aforesaid, and for every third offence whereof any such offender or offenders shall be legally convicted as aforesaid, he she or they so offending shall suffer death with confiscation of all his her or their Goods and Chattels to his Majesty his Heirs and Successors.

And Be it further Enacted by the Authority Advice & Consent aforesaid, that every person or persons committing Fornication and being thereof convicted, shall for every time so offending be fined (by the Court before whom such matter shall be brought) to his Sacred Majesty in the sum of twenty shilling Sterling, or four hundred pounds of tobacco, to be leavied &c. for and towards the defraying the County Levy where such fact shall be committed, or receive corporal punishment by whipping at the discretion of the said Court, not exceeding thirty nine lashes, and that every person or persons committing Adultery and being thereof legally convicted shall be fined as aforesaid for the uses aforesaid, in the sum of forty shillings Sterling or eight hundred pounds of tobacco to be leavied as aforesaid, or to receive corporal punishment as aforesaid. And

Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that every person or persons who shall harbour, entertain and provide for the maintenance of any lewd Woman or Women, or frequent her or their company; or the company of any such lewd Woman or Women, after publick admonition to avoid the same given by the Minister, or Churchwardens, or Vestry of the parish or parishes where such person or persons dwell; and in case there be no Ministers by the Churchwardens of the same Vestry aforesaid, shall for every time it shall be proved that he she or they shall cohabit together, or frequent the company of each other after such admonition given as aforesaid under-

go such pains and penaltys as is by this Act provided for such who are legally convicted of Fornication or Adultry, and whereas those horrid and detestable sins of prophane swearing and cursing are notwithstanding several good Laws heretofore made grown so ripe, that is to be found, they provoke the Divine Vengeance to inflict many and terrible punishments upon us, to prevent such wickedness for the future,

Be it Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that if any person or persons whatsoever within this Province after the publication of this Act prophanely swear or curse in the presence or hearing of any one Justice of the Peace or other head Officer of any Town, City or Burrough within this Province, or that shall be thereof convicted by the Oath of one witness before any one Justice or other head Officer, or by confession of the party offending shall forfeit and pay for such offence the sum of five shillings Sterling to our Sovereign Lord the King for the use of the poor of the County where the offence shall be committed, to be levied upon such offender or offenders immediatly by Command or Warrant from such Justice of the Peace or head Officer of any Town, City or Burrough before whom such offender or offenders shall be convicted, to the Constable or other person whom such Justice or head Officer shall command or appoint, by distress or sale of his her or their Goods or Chattels, rendring to them the overplus, and in case any person should refuse to obey to execute the Command or Warrant of any Justice of the Peace or head Officer as aforesaid, in this case such person or persons shall forfeit and pay the Sum of five Shillings to be levied as aforesaid, to the use aforesaid.

And

Be it further Enacted by the Authority aforesaid, that for every time any person or persons shall prophanely swear or curse in any Court House during the sitting of any Court within this Province and be thereof convicted aforesaid, he she or they so offending shall immediatly forfeit and pay the sum of ten shillings as aforesaid to the uses aforesaid, or set in the Stocks for the space of one hour, by order or command of any such Justice of the Peace or head Officer as aforesaid.

Provided allways, and it is hereby Enacted, that no person shall be prosecuted or troubled for any such prophane swearing and cursing, unless the same be prov'd or prosecuted within ten days next after the offence committed.

And lastly, Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that every Justice of the Peace or head Officer aforesaid, are hereby obliged to receive all such forfeitures as aforesaid, that are levied as aforesaid, and render a just account thereof to the Justices of each respective County yearly, at the time of laying the County Levy to be by them disposed of to the uses aforesaid.

An Act for recovering the Arrears due from the publick Officers, and transferring several debts arising therein.

See 216 L. T. 1102 the 292

it is enacted

An Act for payment of fees due from Criminal Persons.

act of 1692. c. 81. in 1695. in 1696. in 1697.

WHEREAS divers complaints have been made by several Countys of this Province, occasioned for that they have been forced to pay the fees of imprisonment, Criminals the persons by whom such fees ought heretofore to have been paid, or hereafter to be paid being released and going free, to the great encouragement of offenders, for prevention whereof for the future

B E I T E N A C T E D by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that from hence forward no Person Sherriif, Goaler, Clerk or Cryer shall charge either their own County to which they belong or the publick with any fees for any Criminal committed to the charge of the said Sherriif or Goaler, having sufficient Estate in this Province wherewith to pay the same, or being capable to pay the same by servitude, but that such Criminals being discharged by order and due course of Law, shall pay their own fees to Sherriif, Goaler, Clerk & Cryer

Parish, except by fire or such like unavoidable accident, or in case of the death of any such Minister having the charge of such Library, the Vestry of the said Parish shall immediately take the said Library into their custody & keeping and pass their receipts for the same as above directed, and shall in all points be answerable for the same, except by fire or such like accident as aforesaid; And for the better preserving and securing the said Librarys, the learned and worthy Doctor Thomas Bray or his Successors is hereby appointed chief Visitor of all and every the said Librarys within the said Province.

And Be it further Enacted by the Authority aforesaid, that one Act of Assembly made at a General Assembly held at the Port of Annapolis the sixteenth day of September 1696. intituled *An Act for securing the Parochial Librarys of this Province* be and is hereby Repealed and made Void & of no Effect.

An Act for punishment of Blaspheming, Fornication, Adultery, prophane swearing and cursing.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof, if any person or persons whatsoever inhabiting or being within this Province shall blaspheme G O D (that is to say) curse him, and deny our Saviour Jesus Christ to be the SON of GOD, or shall deny the Holy Trinity, the FATHER SON and HOLY GHOST, or the God head of any of the three Persons or the unity of the God-head, or shall utter any reproachful Speeches, Words or Languages concerning the HOLY TRINITY or any of the three Persons thereof, for his her or their first offence shall be bored through the Tongue and fined the Sum of twenty pounds Sterling to his Sacred Majesty towards the defraying the County charge where the said offence shall be committed, to be leavied upon his her or their Goods & Chattels, Lands and Tenements (if any they have) but if such offender or offenders have not Goods and Chattels, Lands and Tenements to the value aforesaid, then such offender or offenders shall suffer six months imprisonment without bail or mainprize, & for every second offence whereof every such offender or offenders shall be legally convicted, he she or they so offending as aforesaid shall be stigmatized in the Forehead with the letter B, and to be fined forty pounds Sterling to the uses aforesaid, and in case he she or they so offending as aforesaid shall not have Goods and Chattels, Lands and Tenements to the value aforesaid, every such offender or offenders shall suffer imprisonment for the space of one whole year without bail or mainprize as aforesaid, and for every third offence whereof any such offender or offenders shall be legally convicted as aforesaid, he she or they so offending shall suffer death with confiscation of all his her or their Goods and Chattels to his Majesty his Heirs and Successors.

And Be it further Enacted by the Authority Advice & Consent aforesaid, that every person or persons committing Fornication and being thereof convicted, shall for every time so offending be fined (by the Court before whom such matter shall be brought) to his Sacred Majesty in the sum of twenty shilling Sterling, or four hundred pounds of tobacco, to be leavied &c. for and towards the defraying the County Levy where such fact shall be committed, or receive corporal punishment by whipping at the discretion of the said Court, not exceeding thirty nine lashes, and that every person or persons committing Adultery and being thereof legally convicted shall be fined as aforesaid for the uses aforesaid, in the sum of forty shillings Sterling or eight hundred pounds of tobacco to be leavied as aforesaid, or to receive corporal punishment as aforesaid. And

Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that every person or persons who shall harbour, entertain and provide for the maintenance of any lewd Woman or Women, or frequent her or their company; or the company of any such lewd Woman or Women, after publick admonition to avoid the same given by the Minister, or Churchwardens, or Vestry of the parish or parishes where such person or persons dwell; and in case there be no Ministers by the Churchwardens of the same Vestry aforesaid, shall for every time it shall be proved that he she or they shall cohabit together, or frequent the company of each other after such admonition given as aforesaid under-

go such pains and penaltys as is by this Act provided for such who are legally convicted of Fornication or Adultry, and whereas those horrid and detestable sins of prophane swearing and cursing are notwithstanding several good Laws heretofore made grown so ripe, that is to be found, they provoke the Divine Vengeance to inflict many and terrible punishments upon us, to prevent such wickedness for the future,

Be it Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that if any person or persons whatsoever within this Province after the publication of this Act prophanely swear or curse in the presence or hearing of any one Justice of the Peace or other head Officer of any Town, City or Burrough within this Province, or that shall be thereof convicted by the Oath of one witness before any one Justice or other head Officer, or by confession of the party offending shall forfeit and pay for such offence the sum of five shillings Sterling to our Sovereign Lord the King for the use of the poor of the County where the offence shall be committed, to be leavied upon such offender or offenders immediately by Command or Warrant from such Justice of the Peace or head Officer of any Town, City or Burrough before whom such offender or offenders shall be convicted, to the Constable or other person whom such Justice or head Officer shall command or appoint, by distress or sale of his her or their Goods or Chattols, rendring to them the overplus, and in case any person should refuse to obey to execute the Command or Warrant of any Justice of the Peace or head Officer as aforesaid, in this case such person or persons shall forfeit and pay the Sum of five Shillings to be leavied as aforesaid, to the use aforesaid. And

Be it further Enacted by the Authority aforesaid, that for every time any person or persons shall prophanely swear or curse in any Court House during the sitting of any Court within this Province and be thereof convicted aforesaid, he she or they so offending shall immediatly forfeit and pay the sum of ten shillings as aforesaid to the uses aforesaid, or set in the Stocks for the space of one hour, by order or command of any such Justice of the Peace or head Officer as aforesaid.

Provided allways, and it is hereby Enacted, that no person shall be prosecuted or troubled for any such prophane swearing and cursing, unless the same be prov'd or prosecuted within ten days next after the offence committed.

And lastly, Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that every Justice of the Peace or head Officer aforesaid, are hereby obliged to receive all such forfeitures as aforesaid, that are leavied as aforesaid, and render a just account thereof to the Justices of each respective County yearly, at the time of laying the County Levy to be by them disposed of to the uses aforesaid.

An Act for recovering the Arrears due from the publick Officers, and transferring several debts arising therein.

See also L.L. No 2 of 1692

An Act for payment of fees due from Criminal Persons.

Act of 1692. c. 81. in 10th. 1692
WHEREAS divers complaints have been made by several Countys of this Province, occasioned for that they have been forced to pay the fees of imprisonment, Criminals the persons by whom such fees ought heretofore to have been paid, or hereafter to be paid being released and going free, to the great encouragement of offenders, for prevention whereof for the future

BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice and Consent of this present General Assembly and the Authority of the same, that from hence forward no Person Sherriif, Goaler, Clerk or Cryer shall charge either their own County to which they belong or the publick with any fees for any Criminal committed to the charge of the said Sherriif or Goaler, having sufficient Estate in this Province wherewith to pay the same, or being capable to pay the same by servitude, but that such Criminals being discharged by order and due course of Law, shall pay their own fees to Sherriif, Goaler, Clerk & Cryer

according to Act of Assenbly, either out of his Estate or by Servitude or otherwise, provided always that this Act shall not extend to malefactors that are executed, or to such other persons who are banish'd having no Estate in this Province, or servants Criminals, for whom the Country shall pay the fees due to the Sherrif Goaler, Clerk, Cryer and other Officers of such Court where such Criminal shall be convicted.

And Be it further Enacted by the Authority aforesaid, that all Officers fees due from Criminal Servants shall be paid by the County where the fact shall be committed, and that all and every such Criminal Servant for whom the County shall pay the fees due to such Officers as aforesaid, shall after the end and expiration of his time of servitude to his Master satisfy unto the Commissioners of the County who paid such his fees for him to the Sherrif and other Officers as aforesaid, for the use of such County such sums as they have paid as aforesaid, and the several Commissioners of the several Countys shall and are hereby impow'd to make inquisition after all such Servants Criminals for whom the County hath defray'd the said fees to the Sherrif and other Officers as aforesaid, and they the said Commissioners according to their best discretion shall order for the said Servants to make such reasonable satisfaction to the County as they shall think fit, & in such manner as they shall find convenient, And for the better security of the County which shall pay such fees for such Criminal Servants as aforesaid;

Be it Enacted, that the Master, Mistress or Dame of all such Servants be & are hereby injoynd & requir'd at the expiration of the time of such Servants servitude to such Master, Mistress or Dame to render up and deliver to the Justice or Justices of the County for the use of the County aforesaid such Servants Criminal as aforesaid, under the penaltys to such Master, Mistress or Dame refusing or neglecting to deliver up such Servant as aforesaid, of making satisfaction and paying to the County all such fees as by the County aforesaid have been paid for such Criminals as aforesaid, and such Justice or Justices to whom such Criminal Servant shall be delivered as aforesaid, are likewise required to serve such Servants Criminals as aforesaid in such manner and way as to the said Justice or Justices shall seem meet or convenient, so that he be and appear at the then next County Court to be held for the said County to be disposed on as the Court shall consider.

An Act for preventing vexatious and unnecessary Suits at Law, and for proving of debts and pleading discount in Bar.

W H E R E A S divers and sundry persons within this Province contracting debts by accounts with Merchants and others, for which they stand and remain only debtor upon their Book of Account, the which tho' they be honest and well dispos'd to pay the same upon demand first had and required of the said debtor, by the creditor or other persons lawfully authorized to receive the same, without which it is impossible for the said debtor to know where or to whom to pay the said debt, yet several of the said creditors through vexatious and avaritious humours do daily commence their Suits at Law against such their debtors, without any demand of such their debts of their said debtors, whereby the said debt is much increased, and the said debtor thereby greatly burthened and impoverished by means of such their vexatious and unjust Suits in Law.

B E I T T H E R E F O R E E N A C T E D by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication of this Act no person whatsoever his Executors or Administrators living or trading into this Province, shall for any debt due or owing to him by account, book or otherwise, and for which the debtor hath not passed his hand and seal to such his creditor, sue or implead at Law such debtor for any such debt contracted as aforesaid, and not under hand and seal of such debtor as aforesaid, unless he shall first demand & require the same of the said debtor in the County where he shall inhabit, to prove which demand the creditor or demandants own oath shall be sufficient, but if the debtor be not at home to bespoken with, then such demandant shall leave a note under the hand of such creditor or demandant, or those he shall impower to receive the same, what time and to whom the same shall be paid, and if thereupon the same be not accordingly paid, then it shall and may be lawful for such creditor to sue and

and implead such his debtor for the said debt, and recover against him all such cost and damages as upon legal tryal in any Court in this Province shall be adjudged against him, and in case any person or persons shall sue and implead any such his debtor as aforesaid contrary to this Act he shall loose all his costs of such suit, and be lyable to satisfie such his debtor all such damages as shall accrew to the said debtor by such his vexatious and unjust suit at Law.

Provided always, that this Act, nor any thing herein contained shall be construed to intend to the benefit of any person debtor as aforesaid, either run away out of this Province, or willfully absconding himself within the same from his said creditor, but that he may be proceeded against as before this Law made, any thing in this Act to the contrary notwithstanding.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that an account sworn to by the Plaintiff, or a Bill proved by evidence before any Justice of the Provincial Court, or any two Justices of the County Courts of this Province, shall be sufficient evidence to prove the debts in the Provincial or any county Courts within this Province. Provided allways that the party who shall swear or give evidence as aforesaid to prove any debt as aforesaid, shall at the time declare upon his oath whether he knows of any payment or discount of any part or parcel of the account or debt so to be proved, which shall be certified under the hand or hands of such one Justice of the Provincial Court, or two Justices of the County Court before whom the account or debt shall be proved with certificate made and signed as aforesaid, shall be taken and received as sufficient proof of any such debt or account as aforesaid.

And Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that if any defendant upon tryal can prove either by such certificate as aforesaid or other sufficient proof that there is any sum of tobacco or money paid to the plaintiff or his order in part of the debt sued for, the Court before whom such tryal is had may cause the same to be discounted in Court and give Judgment thereupon against the defendant for so much only as shall be remaining to the plaintiff with cost of suit, provided the ballance exceeds two hundred pounds of tobacco or sixteen shillings and eight pence in the County Courts, and fifteen hundred pounds of tobacco or six pounds five shillings sterling in the Provincial Court, otherwise the plaintiff shall be nonsuited as by other Laws are provided.

C. 40. 1699.
Repealed 1704. C. 16. in Part.
An Act for Incouragement of such persons as will undertake to buid Watermills.

DA I L Y Experience sheweth that the want of Water-mills is the true cause that Husbandry in tilling the Ground and for sowing of Wheat and Barly is but coldly prosecuted, tho' the advantage thereby in raising the stock of neat cattle be great; And forasmuch as for the most part the places fit for setting up of Water-mills are already in the hands of persons under age, or unable to be at the charge of building a Water-mill, or else such as are willfully obstinate in forbidding and hindring such persons as would purchase the said places fit for building Water-mills and set them up, to the increase of our trade and navigation, much to the publick damage of the Province.

B E I T E N A C T E D by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that if any person or persons from and after the publication hereof, that shall desire to set up a Water-mill upon any Land next adjoyning to any Run of water within this Province, not being the proper possession or freeholds of such person or persons, nor leased to them to the intent thereon to set a Water-mill, they shall purchase a Writt out of his Majestys Court of Chancery directed to the Sherif of the County where such Land lieth, requiring him by the oaths of twelve Men of his County to inquire what damage it would be to his Majesty or others to have a Mill set up in such a place as aforesaid, the form of which Writt followeth. viz.

William by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. To the Sherif ----- County greeting, We command you that by the Oath of twelve honest and lawful Men of the County by whom

the truth of the matter may be better known, diligently to inquire if it be to the damage of us or others if we grant ----- of ----- County twenty Acres of Land lying at N. in the County aforesaid, viz. ten Acres of the one side such Run, and ten Acres on the other side such run of water, together with liberty to take, fall, cut down and carry away either by land or water any wood or timber fit for building a Mill, other then timber fit to split into Clap boards upon any of the Lands next adjoining to the said twenty Acres of Land lying on each side of the said run of water at N. N. aforesaid in the County aforesaid, and if it be to the damage & prejudice of us or others, then to what damage and prejudice of us, and to what damage and prejudice of others, and of whom and in what manner, and how and of what value they are by the year, according to the true value thereof now before any further improvement made of the said twenty Acres of Land, and who are the present possessors of the said twenty Acres of Land, and what Lands and Tenements remain to the present possessors over the said twenty Acres, and if the land remaining to the present possessors over the said twenty Acres will suffice to uphold their manner, viz. the Lxxth part of their manner allotted by the conditions of Plantations for the Demesne as afore the Alienation so as the County by the Alienation aforesaid, in default of the present possession more than was wont be not charged and grieved, and the inquisition thereupon openly and distinctly made to us in our Chancery, under the Seal and Seals of them by whom it was made, without delay send &c.

Upon return of which Writt in case the person or persons whereby the said inquest shall be found to be true owners and possessors of the said land fit to build a Mill upon, shall refuse to build a Mill thereon, & give security to his said Majesty by Bond of fifty thousand pounds of tobacco, with condition to build a Mill thereon within one year from that day to be computed and reckoned, and the same building to prosecute & finish within two years after the said beginning or laying the foundation as aforesaid for the publick good of the Province, it shall and may be lawful for his said Majesty his Heirs or Successors, or for their chief Governour here for the time being from time to time to grant any such twenty Acres of Land fit to build a Water mill upon as aforesaid, together with free egress and regress to the said Water-mill, either by land through any Mans land next adjoining or else by water, together with liberty to fall any timber for building the said water mill, other then board timber fit to split or cleave into clap boards for any time or term, not exceeding eighty years then next to come, under the yearly rent of the land then by the oath of twelve Men by verue of the Writt aforesaid returned to be paid to the owner of the said land so found and returned as aforesaid, which said grant from his said Majesty his Heirs and Successors or from the chief Governour here for the time being as aforesaid shall be good & available in Law to the grantee as aforesaid for any term of years, not exceeding eighty years as aforesaid against all persons whatsoever, any Law, custom or usage heretofore had, made or used within this Province to the contrary notwithstanding.

Provided always that before any person or persons whatsoever shall have such grant to build a Water-mill as aforesaid, they shall enter into a Bond with his said Majesty with two sufficient Surety in the sum of fifty thousand pounds of tobacco with condition to begin to build the said Water-mill within one year then next to come, and the building to prosecute & finish within two years after such beginning, and for the great advantage that is already found to the Province in general by the Mills already built, some of which do stand upon lands whereof the title is doubtful for want of due form of the Conveyance, or the last wills and testaments by which the lands have been conveyed or devised to the builders of such Mills.

Be it therefore Enacted by the Authority aforesaid, that all and every such person or persons as aforesaid who have built Mills shall or may have such Writt or Writts as aforesaid, to inquire of the true yearly value of the land where such Mill doth stand, and of ten Acres of land on each side of the said run as aforesaid, and upon return of such Writt as aforesaid, shall have a grant from his Majestys chief Governour here as aforesaid for any term not exceeding eighty years, and yearly rent return as aforesaid, to be paid to the right owner of the said land as aforesaid, any Law or usage to the contrary hercof notwithstanding.

And Be it further Enacted by the Authority aforesaid, that from and after the publication hereof no person or persons whatsoever, having or that shall hereafter have

have obtained any grant for any lands whereof such person or persons are not the real owners or possessors thereof, and whereupon he she or they have already built or shall hereafter build a Water-mill as this Law hath before directed, shall have any right, title or claim to any land granted to them for any time or term whatsoever after such Mill by him or them already built as aforesaid, or that shall hereafter be built, shall be casually broke or gone to decay as aforesaid other then two years for the new erecting, building, finishing and repairing of such Mill as aforesaid, but that in all & every cause where any person or persons that have already built or that shall hereafter build any Water-mill which are or that shall hereafter be broke or gone to decay as aforesaid, and shall not within two years after the publication hereof, or within two years after such Mill shall become broke or gone to decay as aforesaid, cause the same to be new built, repaired or finished as aforesaid, it shall and may be lawful for the real owner or owners of such land to such person or persons so granted as aforesaid to reenter upon the same, and in case such person or persons shall deny or refuse to give the owner & owners of such land as aforesaid peaceable and quiet possession thereof, such owner or owners shall and may recover his right to the same, by ejectment or otherwise as the Law doth direct, any thing in this Act contained to the contrary notwithstanding. And for prevention of the abuse frequently committed by persons keeping Water-mills by taking excessive tole.

Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that from and after the publication hereof as aforesaid, no Master, Owner, Miller or other Person properly belonging to otherwise owning any Mill within this Province, shall ask, demand or receive for grinding any quantity or quantitys of Indian corn or Wheat whatsoever above the sixth part of every bushel of Indian corn, and eighth part of every bushel of Wheat by him or them so ground as aforesaid, upon penalty & forfeiture of one thousand pounds of tobacco to the use of his Majesty his Heirs and Successors for the support of Government, to be recovered in the respective County Courts by Action of Debt Bill Plaint or Information, wherein no Efficoy Protection or wager of Law shall be allowed, any other Act usage or custom to the contrary notwithstanding.

Provided always that if any person upon incouragement of former Acts hereby repealed have begun to build any Mill they shall still have all those advantages that they might have had by such Act hereby repealed, as if the former Act or Acts were still in force.

C. 41. 1849
An Act for the better administration of Justice in Probat of Wills and granting Administrations, recovering of Legacys, and securing Filial Portions.

In Jan 1744. c. 20. L. 20. p. 296
WHEREAS for the due administration of Justice it is most necessary that there be a settled Succession from the dead to the living, and that the wills of all Persons may be duly proved, and Letters of Administration of the Estates of all persons dying without Wills may be granted to such persons who have the best Right to succeed thereto, that there may in that case be no failure of Justice, but that it may be duly administered within this Province, and all Legacys speedily recovered, and Filial Portions and Orphans Estates duly secured & easily obtained, according to the true intent of the Laws heretofore made, (now in force) or hereafter to be made.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that the Judge or Commissary General for probat of Wills and granting Administrations shall hold his Court once in two Months at the least, or oftner as the case shall require, regard being had to the distance of the inhabitants of the Suitors in the said Court, and the dispatch of persons not inhabiting in this Province who have frequent occasion to seek Justice in the Court for probat of Wills & granting Administration before the Judge thereof, and forasmuch as certainty is the Mother of Repose, and that our dependance upon *England* obliges us to make all our Laws as near as may be consonant to the Laws of *England*.

Be it further Enacted by the Authority aforesaid, that the Judge for probat of Wills and granting Administrations within this Province in all cases relating to probat of Wills and granting Administrations shall proceed according to the laws

of England now in force or to be hereafter in force within twelve Months after such Law shall be published in the Kingdom of England if pleaded before him, saving in such cases as by this present Act is provided, and that it shall and may be lawful for the Judge for probate of Wills to prove any last Will within this Province altho' the same concern title to land, any law usage or custom of England to the contrary notwithstanding.

And to the end that all Filial Portions may be secured to the Children of all persons dying intestate, and legacys paid to legatees of persons who make wills, Be it likewise Enacted, first that the Judge for probate of wills and granting administrations shall call all Executors and Administrators to account for the Estate of all persons deceased within twelve Months next after administration committed, and if any Administrator shall fail to give an account within the time aforesaid being lawfully thereunto cited, that then the said Judge shall revoke the first letters of administration to such Administrators committed, and shall grant administration *de bonis non Administrat* to some other person as in his discretion he shall think fit, which said Administrator duly appointed shall give security as all other Administrators do, and shall sue and implead the former Administrator before the Judge aforesaid for an account of the Estate of the Intestate, and in case it shall appear to the Judge aforesaid, that the former Administrator hath wasted and imbezled the Estate of the Intestate, then the Judge shall assign the Bond entred into by the former Administrator and his Surety unto the latter Administrator to be relieved against them for such wasting or imbezling.

secondly, That the Judge upon account given by the first Administrator as aforesaid shall make division of the clear Estate of the deceased after debts paid and funeral expences defrayed, that is to say, shall allow to the Widdow or Relict of the said Intestate (if any such be) one full third part thereof, and the other two thirds be equally divided among the children of the said deceased (if any such be) and if no such be, then between the next of blood of the said Intestate, and after such division made shall transmit the account thereof to the severall and respective Justices of the County Courts where the said Estate shall be and remain, who are by this Act appointed, authorized and enjoyned to put the persons Lands, Goods and Chattels of the Orphans into the hands of such persons as they shall think fit, taking Bond with two sufficient sureties in the names of the Orphans themselves, for the securing and delivering of the said Estate to the said Orphans or their Guardians when thereunto lawfully called, according to the rules and directions hereafter by this Act prescribed, established & ordained and not otherwise, which rules shall be rules not only for the Justices of the County Courts to proceed by in taking the accounts of Guardians or Trustees for Orphans, but also for the Judge for probate of Wills and granting Administrations in the account of Administrators and bare Executors to the benefit of others, nor shall the Judge give any other allowances to any Administrator or Administrators upon his or their account but for debt *bona fide* owing from the deceased, and really paid or secured to be paid by the severall and respective Administrators.

1. No Negro or other slave shall be sold or disposed of by any Administrator for payment of debts, or otherwise reserved for the Administrators own use, in satisfaction for any debts due to the said Administrator, nor any Execution served upon any Negro's or other Slaves so long as there shall be other Goods of the deceased sufficient to satisfy the just debts of the deceased, but shall be kept upon the hazard of the Estate and employed for the benefit of the Creditors and Orphans if any be during the first year, at the end of which the Administrator is to account for the Estate and the profits of such slaves shall be Assets to the Creditors and dividable between the Wife and Children or Relations of the said deceased if there be no Creditors the Judge for probate of Wills upon passing the account by such Administrator shall allow him his reasonable charges.

2. That no Account be allowed for Dyet, Cloaths, Physick or Education to any Administrator or Guardian to any Orphan against the Estate of the Intestate, or against the filial part of any Child committed to any Guardian or other persons intrusted by the County Court, but that the said Orphan shall be maintained and educated by the interest of their Estate and the increase of their Stocks, so far forth as their said interest and increase will extend; But if the Estate be so small that it will not extend to a free education of such Orphans, shall be bound Apprentices to
some

some handy craft Trade or other person at the discretion of the County Courts, until they arrive to the age of twenty one years, except some Kinsman or Relation or some other charitable persons will maintain them for the increase of the small Estate they have without any diminution of the principle, which shall always be delivered to the Orphans at the years hereafter in this Act limited & appointed, then such Kinsman, Relation, or other charitable person is thereby obliged to performe the same, as is by this Law before enjoyned, and to be ascertained by the County Courts.

Provided always that no Orphan shall be put into the hands of any person of different judgment in Religion to that of the deceased parents of the said Orphans.

3. That all Cattle Horses and Sheep shall be returned in kind by the Guardians or other persons intrusted with Orphans Estates, (that is to say) so many cattle, horses & sheep were of at the time they were delivered to the Guardians or Trustees of the Orphans.

4. That all Money, Plate, Rings and Jewels be preserved and not used by the Guardeans or Trustees and delivered in kind to the Orphans when they come to age, and that all household stuff and lumber be appraised in money and not otherwise, and the value thereof paid to the Orphans as aforesaid, either in money sterling according to the appraisement or in tobacco at the then price current, and in case any difference shall arise what shall be the price current at the day of payment in the Bond taken limited, the Judges of the County Court where the Orphans Estate doth lie shall then determine what shall be the price current.

5. That every Male Orphan shall be of full age to receive his Estate from his Guardian at the age of twenty one years and not before, but in case any person by his last Will & Testament doth appoint any person to be his executor or executrix that is full seaventeen years of age, that person so appointed shall be adjudged to be of sufficient age to be Administrator Executor or Executrix, and if such Executor or Executrix be under the age of seaventeen years, the administration shall then be committed to such other persons as the Judge for probat of Wills & grants Administrations shall approve of *dum ante minoritate*, and so to the profit, use and behoof of the Infant Executor or Executrix and not otherwise nor in any other manner. And forasmuch as the right to administration of the Goods of persons interstare may fall upon persons under the age of seaventeen years, it is hereby declared that as they are within like reason so they are within like law with Infant Executors.

6. That every Female Orphan shall be accounted of full age to receive her Estate at the age of sixteen years or day of marriage which shall first happen.

7. That all Negro's and other Slaves after the transmitting the Estate to the County Court as aforesaid, shall be praised to the Guardian or Trustees and be preserv'd by them, & be employ'd to the said Guardians or Trustees use and benefit, and the like number of Slaves, and of the like ability of body be returned to the said Orphans out of their increase if any be, at their full age by this Law limited, and if any of the said Slaves be grown aged or otherwise impotent, or be lame, and that the increase will not make the original Stock good, as to the number and ability of body, that then they shall be again appraised by the said County Courts, and the Guardians or Trustees shall pay to the Orphans so much money or tobacco as the County Court shall adjudge the Orphans Stocks of Negro's then to be of less value then they were at the time of their first appraisment and delivery of their said Slaves to the said Guardian or Trustees, but in case no guardian or other person will upon these terms accept of those slaves, then it shall and may be lawful for the said severall and respective County Courts to put the said slaves out upon other terms to any other person so that the said original stock of slaves be not sold nor any of their increase, but in the best manner preserved for the Orphans till they come to their severall ages by this Act limited and appointed, to the intent they may have their first stock made good to them in number value & ability of body if it may be.

8. That all Servants for years be likewise returned in kind to the Orphans at their full age, that is to say, the same number at the same age and sex and by like number of years to serve, and of the same ability of body as near as can be guess as the Servant were when receiv'd by the guardian or trustee.

9. Whereas every Administrator in Inventory inserteth what debts are sperate and what debts are desperate, the Judge for probat of Wills shall transmit those

desperate debts with the division of the overplus of the estate unto the several and respective justices of the County Courts where the Estate shall ly, to the end the said justices may inquire whether the said Administrator hath by fraud or otherwise neglected to recover the same, or hath received and never accounted for the same, and shall with the residue of the said Estate commit the said desperate debts to the care of the guardians or other trustees by them employed and shall yearly and every year call the said Guardians to account for the same, and duly inspect what of the said debts they have received or might have received, and if the said guardian or trustee fail to give in his account yearly, or by fraud or covin neglect or forbear to recover the same, the said guardian or trustee shall stand and be accountable for every such debt by them received & not accounted or neglected or born to be recovered. 10. That the Justices of the County Courts take able & sufficient Security for Orphans Estates, and inquire yearly of the security, and if there be just cause that they require new and better security, & upon refusal to give new & better security to remove the Orphans Estates into their hands. And further,

That the Justices of the County Courts shall yearly in June Court inquire by a Jury of good and lawful Men to be summoned out of the several Hundreds of the County not under the number of twelve, who upon their oaths shall inquire the form of which oath is hereby expressed, viz. Whether the Orphans be kept, maintained & educated according to their estates, & whether apprentices yearly are taught their Trade, or rigorously used and turned to common labour at the Ax and Hon instead of learning their Trades, and if they find that Orphans are not maintained and educated according to their Estates, or Apprentices neglected to be taught their Trades upon pretence that the last year is enough to learn their trade, that they remove them to other guardians & masters respectively, and in case the Jury find that any Apprentice is not taught his trade but put to other labour as aforesaid, the County Court shall condemn the Master of such Apprentice to make the Apprentice such satisfaction as in justice his years of labour at other work shall deserve, and five hundred pounds of tobacco to be paid to the said Orphan.

11. That the Justices of the County Courts cause the conditions of the Bonds they take of guardians or trustees of Orphans estates be exactly drawn to the Act, and Recorded in the County Court and the Indentures for Apprentices likewise, that it may duly appear to the Judges whether Guardians Trustees and Masters do right and justice to Apprentices, and to the Country, that the Justices do right between them, and to that end that they cause the Clark of their Court to present the Jury with a list of the Orphans and Apprentices of their County every June Court.

12. That no more be allowed to Guardians or Trustees for collecting debts due to Orphans than ten per cent the usual allowance to Administrators and Factors by the Merchants.

13. And further, in regard by the Judges or Commissary General for proving of Wills and granting Administrations Commission there is a saving to all persons of their right of appeal from the sentence of the said Judge to the chief Governor of this Province for the time being.

Be it Enacted, that all and every person & persons appealing from the sentence of the said Judge, shall within fifteen days at the furthest after such sentence given enter his appeal before the said Governour, and within fifteen days more petition the Governour of this Province for the time being to examine the sentence of the said Judge, or appoint such other person or persons as he shall think fit to hear and determine the same, whose sentence shall be final without other appeal, repeal or review. And for that divers Bonds have been taken by the several and respective County Courts of this Province in the name of the worshipful Commissioners of the County Court, or in some such other terms amounting thereunto, and for the use of the several and respective Orphans in the several and respective Countys of this Province with condition to pay to the said Commissioners or Justices of the Peace the respective sums of tobacco or money in the respective conditions contained in pursuance of this Act, when in truth the said Commissioners of the County Court are no Body politic nor capable of suing the said Bonds to and for the use of any Orphan within this Province.

Be it Enacted by the Authority aforesaid, that all Bonds so as before taken, to and for the use of any Orphans in this Province in pursuance of this Act, shall be
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sued and recovered in the names of the Orphans to whose use such Bonds were taken, either in the County or Provincial Court at the election and choice of the said Orphans, any Statute or usage to the contrary hereof in any wise notwithstanding. And for the ease and benefit of the good people that hereafter shall have occasion to resort to the said Judge in testamentary causes for the probat of Wills and granting Administrations,

Be it Enacted by the Authority aforesaid, that the Commissary General of this Province, Chancellor or other Person that shall from time to time be appointed as Judge in testamentary causes for granting administrations, shall from time to time and at all times during his continuance in such office, constitute or ordain an appoint some able and sufficient person of good repute and a freeholder in every respective County within this Province to take the probat of any last will or testament of any person or persons either noncupative or in writing, even tho' the same be concerning titles of Land, and likewise the granting of any administration of persons dying intestate in the respective Countys where each person or persons so appointed shall reside and inhabit, which said person in each respective County of this Province so appointed as aforesaid, shall and may take the proof of any will whatsoever as aforesaid, of any person as aforesaid within the County as aforesaid and grant Letters testamentary upon the same, and likewise grant any administrations to any person or persons whatsoever that right has to the administration of any person deceased within the County where he dwelleth as aforesaid: But if any contest or dispute shall arise between any persons concerning the right to Administrations or Executorship, the same shall be divided by the Chancellor, Commissary General or Judge in testamentary causes, and not by such person appointed in each County as aforesaid, neither shall such person grant administration or take the probat of such will till such time as such dispute and difference shall be decided and determined by the proper Judge thereof, and certificate from such Judge of the same, and such person so appointed as aforesaid, shall and is hereby allowed as a fee for granting such Letters of Administration as aforesaid, swearing the Administrators and Appraisors as for the probat of any will, and swearing the Executor or Executrix and Letters testamentary the sum one hundred and fifty pounds of tobacco, to be paid by such person or persons requiring administration or letters testamentary as aforesaid, unless the Estate be so small as the Inventory of such Estate doth not amount to two thousand pounds of tobacco as aforesaid, there shall be paid to such person so appointed for such Letters of Administration or Letters Testamentary as aforesaid the sum of fifty pounds of tobacco and no more, and then in every such case the Commissary General shall have no fees.

Be it Enacted by the Authority aforesaid, that all Guardians of Orphans that shall have any real Estate in lands with the Orphan or Orphans to whom the same belongs committed to them, other then such whom the Testator in his life time by his last Will and Testament hath otherwise ordered and disposed of, within one month after the taking upon him or her the guardianship of such Orphan or Orphans shall with one Commissioner of the said County where the land lyeth & two other persons of good repute and well skill'd in building & Plantation affairs neither of them being of kin, indebted or otherwise interested in either Orphan or Guardian enter into the said Land and Plantation to such orphan or orphans belonging, and view the dwelling houses and out houses, lands, orchards and fences that are upon the said Plantation, and then and there the said two persons so qualified as aforesaid, shall take their corporal oaths upon Holy Evangelists by the said Commissioner to be administered, that according to the best of their skill and judgment they will make a just estimate of the annual value of the said lands and plantation, and what dwelling houses, out houses and orchards are upon the same, and what repair they are in, and in what part of the said land they judge the said Guardian may be further permitted to clear upon the said Plantation, as well to raise the yearly rent so valued as aforesaid, as also towards his yearly charge in keeping the said dwelling houses, out houses, orchards and fences in repair and so by him to be left, always having a regard to leave a proportionable part both for quality and quantity of the uncleared Land, for the benefit and advantage of the Orphans or Heir when at age to possess the said Land or Plantation, as also the Orphans maintenance out of the same, where the profits of personal estates be not sufficient to maintain him or them, and the same to certify under their hands and

seals attested by the Commissioner so administering the oath as aforesaid, in the County Court next ensuing after such view so had and made as aforesaid, & there to remain upon Record until the said Orphan or Heir come to age, which certificate so entered and remaining upon Record as aforesaid shall be sufficient Evidence in Law for the said Orphan or Orphans to recover double damages in an Action of waste, by them to be brought when at age for any waste, sale or destruction committed or done in any of the premises, other then what the persons have certified and thought necessary, with due respect had to all circumstances and matters aforesaid.

And Be it further Enacted by the Authority aforesaid, that the Commissioners of each County Court within this Province by virtue of this Act shall have full power from time to time, and at all times hereafter upon presentment of the Orphan Jury, or other information given to them of any such sale, waste or destruction made, done or committed upon any Orphans real Estate by any such Guardian, by legal Warrant to cause the said Guardian to appear before them in the County Court, & if upon examination thereof the said information be sufficiently proved, that the said Guardian to answer the damages of such waste by him committed contrary to the Law, when Orphans come to age that then the said Commissioners do require the said Guardian to give sufficient Security to make satisfaction to the said Orphan or Orphans when at age as aforesaid, and upon refusal thereof, as the said Orphan or Orphans if at age, to choose his her or their Guardians shall elect, and if not, then such other as the Commissioners shall think meet being willing to take the same, who shall enjoy the said Land or Plantation, committing no waste and performing all such matters and things at his entry thereupon as is by this Act required until the said Orphan comes to age, and the said person so chosen, or by the Justices put in possession as aforesaid, shall in the name and to the use of such Orphan bring his Action of Waste against the former Guardian for the damages by him committed, and the Commissioners of each respective County are hereby obliged to give the same in charge every June Court to the said Orphan Jury, under the penalty of five hundred pounds of tobacco each Justice, one half thereof to his Majesty towards the Support of Government, and the other half to him or them that shall sue for the same, to be recovered in the Provincial Court by Bill Plaint or Information, wherein no Eiloyne Protection or wager of Law to be allowed.

And Be it Enacted by the Authority aforesaid, that the several and respective Deputy Commissarys which are and shall be in each several & respective County within this Province shall and are hereby sufficiently authorised and empowered to pass audite and allow all such accounts as shall come before them relating to dead Mens Estate wherein they have granted Letters of administration or Letters testamentary not exceeding fifty pounds sterling, & to transmit the same to the Commissary General, for which passing such accounts the said deputy Commissary is to be allowed as a fee the sum of fifty pounds of tobacco and no more, and if such Deputy Commissary as aforesaid shall exact, demand or receive of any person whatsoever more than is by this Law for executing such his Office is allowed him, he shall be liable to such pains & penalties as are included in a certain Act for limiting Officers fees within this Province, but in case it shall so happen that any person or persons having any interest or claim in such Estates shall make any objections to the legality or interest of any article or articles contain'd in the said accounts, then the said deputy Commissarys are forthwith to mark such articles and transmit the accounts with all papers thereunto belonging unto the Commissary General, before whom all party's concern'd are to appear & defend their interest.

And Be it Enacted by the Authority aforesaid, that it shall be at the election of such Widows having devises as aforesaid, to take and receive the same in full satisfaction of all claims and rights to both personal and real Estate, and be thereby barred for ever from all claims to the same, or to refuse such Legacys and Devises as aforesaid, and take their third part of the personal and real Estate as Widdows whose Husbands die intestate in this Province. And whereas many Orphans have greatly suffered by the second marriage of such Widows, who having their Estates in possession by will or Right of administration, either by the one or both of them the said Estates have been wasted and imbezled, and if the Woman die, the said Husband refuses to render an account of such Estate, alladging that he

Neither Executor nor Administrator of his Wife, nor of her former Husband, whereas at common Law a Woman Covert-Executrix can do no act to prejudice her Husband, all such acts during the same be void without his consent, he not preventing such wast when in his power ought to answer for the same.

Be it therefore Enacted by the Authority aforesaid, &c. that every such permitting and suffering such wast by such second Husband during the coverture, such Husband shall account for the same, and be lyable to be sued for the said Estate due to such Orphan, by such Orphan if at age, or if under age by his Guardian, as well as the Security, or together with his Wife if living, and if the Security be insolvent then by himself, and also for all wast committed by his Wife before marriage if sued during coverture; And whereas Orphans of persons dying intestate by the good provision of this Law in committing them to the care of the County Court to inspect the good condition of their Securitys and good usuage as aforesaid, are by experience found to be in better condition in respect of both than the Orphans of Testators, whose Executors hitherto rarely given any Security, and that the Security they have given many times proved insolvent.

Be it therefore Enacted by the Authority aforesaid, that the Judge for probat of Wills shall hereafter take good and sufficient Security of all Executors and Administrators to the use of any Orphan or Orphans in any Will mentioned (and not solely to their own use) for the true performance of such last will and testament according to the Law and Intent of the Testator, and the Justices of the several County Courts shall at the same time that they by the Jury inquire of the good usuage and good condition of the Security, or other Orphans shall also inquire of these, and if they find the Securitys like to be insolvent or the Orphans ill used, to transmit the same to the Judge for probat of wills for the time being to be relieved according to Law and the Testators intent. And for the more speedy administration of Justice to Orphans, Legatees and others in his Majestys Court for probat of wills and granting administrations which hath hitherto by the tedious methods used in Chancery before the Judges Sentence in the said Court can take effect, the methods of *England* being at present not practicable here.

Be it therefore Enacted by the Authority aforesaid, that ev'ry person or persons that shall not after Sentence given in the said Court against him or them within fifteen days after such sentence enter his Appeal with the said Judge from such sentence, and within 15 days more procure an examination thereof by a Court of Delegates, nor in the mean time comply with the Sentence of the said Judge, it being sent to them under the hand and seal of the said Judge, nor give in Security to perform the same and oath made of the refusal thereof, it shall and may be lawful for the said Judge to issue forth of the said Office under his hand and seal an attachment against the bodys of such persons so refusing, and him or them to imprisonment until he or they satisfy and comply with the said sentence or give in good security to do the same, this Law not to barr the said Judge to proceed against persons not complying with sentences given before the making of this Act according to the former usuage and custom to compel them to the same; And whereas Orphans and Creditors are many times injured by the low appraisments & undervaluing of the Estates of the decess'd. therefore

Be it Enacted by the Authority aforesaid, that when any Executor or Administrator doth appraise the Estate of the decess'd he shall give notice of such his appraisment, and call together two of the next of kin to the said decess'd and two of the Creditors of the said decess'd if any then be, who shall be present at the said appraisment with the sworn appraisors, and shall certify to the Commissary or his deputy under their hands that they were present at the appraisment & do approve thereof, and if any Executor or Administrator return any Inventory without such certificate as aforesaid, the said Judge or his deputy in each respective County of this Province shall not accept or receive the same into his or their Office.

An Act for enrolling of Conveyance, and securing the Estate of Purchasers.

FOR the better establishing a way and method for conveying of Mannors, Lands, Tenements and Hereditaments for the future, and for the avoiding of abuses and deceits by Mortgages

BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice

Advice and Consent of this present General Assembly and the Authority of the same, that from and after the publication hereof no Mannors, Lands, Tenements or Hereditaments whatsoever within this Province shall pass, alter or change from one to another whereby the Estate of Inheritance, or Freehold or any Estate for above seven years shall be made to take effect in any person or persons, or any use or trust except the Deed or Conveyance by which the same shall be intended to pass, alter or change the same be made by writing, indented and sealed, and the same to be acknowledged in the Provincial Court or before two Justices thereof, or in the County Court, or before two Justices of the same where such Mannors, Lands, Tenements or Hereditaments do lie, and such Deed or Conveyance to be inrolled in the Provincial or County Court where the same doth ly, such inrollment to be made within twelve months after the date of such writing indented as aforesaid, and for the caption of such inrollment there shall be paid to the party taking the same twelve pence sterling and no more, and the Clark shall well and sufficiently inroll such Deed or Conveyance in a good sufficient Book in Folio, to remain in the custody of the Clark of the same Court for the time being amongst the Records of the same Court, and that the same Clark shall on the back of every such Deed in a full legible hand make an indorsment of such inrollment, and also of the Folio of the Book in which the same shall be inrolled, and shall unto such indorsment set his hand.

Provided always, and be it hereby Enacted by the Authority aforesaid, that when the grantor or grantors, bargainor or bargainors of such lands, tenements or hereditaments shall live remote from either the Provincial Court or County Court, where the land lieth, it shall and may be lawful for such grantor or bargainor to acknowledge the same in the County where such bargainor liveth, and a certificate of such acknowledgment under the hand of the County Clark and under the Seal of the same County, such acknowledgment shall be taken, deem'd, reputed & be as good and valid as if the same had been acknowledged either in the Provincial or County Court where such land lieth, and be a sufficient Warrant for such County Clark where the land lieth to inroll the same, and if any such grantor or bargainor of any such lands or tenements as aforesaid shall happen to be out of this Province and within any his Majesty's Dominions at the time of the enfealing such writing or writings indented, so as the same cannot be acknowledged in manner and form as is before directed or inrolled, within the time for that purpose herein before limited, that in every such case such lands or tenements as aforesaid shall be acknowledged by Letter of Attorney well and sufficiently proved, either in the Provincial or County Court where such lands or tenements lie, or before two Justices of the Provincial or County Court as aforesaid for acknowledgment and be inrolled as aforesaid, any thing herein before contained to the contrary hereof notwithstanding.

And Be it further Enacted by the Authority aforesaid, that every such writing indented to be acknowledged and inrolled as aforesaid, shall have relation as to the passing and conveying of the premises, and the Estate and Estates thereby passed or intended to be passed and conveyed by & from the day of the inrollment of the same, and not from the day of the date thereof, and shall at all times be construed and take more favourably and beneficially for the benefit and advantage of the grantee or grantees, and more strongly for the barring of the grantor or grantors, therein to be named, and according to such intents as the words thereof shall appear to have been the true intent of the party therunto, altho' the same be not so firmly drawn as is used in England, where the advice of Council learned in the law may easily be had.

Provided always, that if any Feme Covert be named a party grantor in any such writing indented, the same shall not be of force to debar her or her heirs, except upon her acknowledgment of the same, and the person or persons taking such acknowledgment shall examine her privately out of the hearing of her husband whether she doth make her acknowledgment of the same willingly and freely, and without being induced thereto by fear or threats of or used by her husband or fear of his displeasure, and the person or persons so examining her shall in a note or certificate of the said caption of the said acknowledgment certify her examination and acknowledgment thereon, and that such certificate be likewise inrolled upon Record, in which case & by such Feme Covert shall be barred and not otherwise, any thing herein before contain'd to the contrary notwithstanding.

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WHEREAS there have been several Acts provided against servants run-aways which have hereto proved ineffectual, in regard they do not sufficiently provide encouragement for such person or persons inhabitants of this Province as shall seize such runaways or servants by this Act deemed runaways, therefore for the better discovery seizing and apprehending such runaways,

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly & the Authority of the same, that from & after the publication hereof no servant or servants whatsoever within this Province whether by indenture or according to the custom of the country or hired for wages, shall travel by land or water ten miles from the house of his her or their Master Mistress or Dame without a noat under their hands, or under the hand of his or their Overseer if any be, under the penalty of being taken for a runaway, and to suffer such penaltys as are hereafter provided against runaways.

And it is hereby further Enacted by the Authority aforesaid, that any such servant or servants as aforesaid unlawfully absenting him her or them from his her or their said Master, Mistress, Dame or Overseer shall serve ten days for every one days absence, to be judged when such Master, Mistress or Dame shall bring their said servant before the Justices of the Provincial or County Court where the owner master or dame or overseer of such servant shall live during the sitting of the Court, be it before or after the expiration of such servants first time of service by Indenture or otherwise.

And Be it further Enacted by the Authority aforesaid, that any person or persons whatsoever that shall wittingly and willingly detain any such servant or servants unlawfully absenting him her or themselves as aforesaid, shall be fined 500 pounds of tobacco for every night or four and twenty hours that such person or persons shall give entertainment to such servant or servants unlawfully absenting him her or themselves as aforesaid, the one half to his Majesty for the support of Government, and the other half to the informer or him or them that shall sue for the same, to be recovered in any County Court of this Province by Action of debt, bill plaint or information, wherein no essoyne protection or wager of Law to be allowed.

And for the better discovery of runaways, it is hereby Enacted by the Authority aforesaid, that any person or persons whatsoever within this Province traveling out of the County where he she or they shall live or reside without a pass under the Seal of the said County, for which they are to pay ten pounds of tobacco or one shilling in money, such person or persons if apprehended not being sufficiently known, or able to give a good account of themselves, to be left to the discretion & judgment of such Magistrate or Magistrates before whom such person or persons as aforesaid shall be brought to judge thereof, and if before such Magistrate shall be deemed and taken as a runaway, and shall suffer such fines and penaltys as is hereby provided against runaways.

And for the better encouragement of all persons to seize and take up such runaways, it is Enacted by the Authority aforesaid, that all and every person or persons as aforesaid, seizing or taking up such runaways traveling without passes as aforesaid, not being able to give a sufficient account of themselves as aforesaid shall have and receive two hundred pounds of tobacco to be paid by the owner of such runaway so apprehended and taken up if a Servant, and if a Freeman & refusing to pay the same, then to make satisfaction by servitude or otherwise as the Justices of the Provincial or County Courts where such person shall be so apprehended and taken up shall think fit, and further, for the better discovery and encouragement of our Neighbour Indians to seize, apprehend or take up any runaway servants, and bring them before some Magistrat, shall for a reward have a matchcoat paid him or them or the value thereof which said reward to be repaid & satisfied by the county where such person shall be apprehended, and such runaway to reimburse the said County by servitude or otherwise as the Justices of the Provincial or county court shall think fit.

And Be it further Enacted by the Authority aforesaid, that at what time soever any of the said persons runaway shall be seized by any person or persons within this Province, such person or persons so apprehending or seizing the same shall

servants and slaves.

bring or cause him or them to be brought before the next Magistrate or Justice of the County where such runaways apprehended, who is hereby impower'd to take into his custody, or otherwise him, her or them to secure and dispose as he shall think fit, until such person or persons so seized and apprehended shall give sufficient security to answer the premises the next Court that shall first ensue in the said County, who is also to secure such person or persons till he or they can make satisfaction to the party that shall so apprehend or seize such runaway or other person as by this Act is required, except such person shall make satisfaction as aforesaid before such Court shall happen, & that notice may be conveniently given to the master, mistress, dame or overseer of runaways taken up as aforesaid, the Justices of the peace or the Commissioners of County shall forthwith cause a noat of the runaways name so seized or apprehended as aforesaid, and also cause a noat to be set up at the next adjacent County Courts, and at the Provincial Court and Secretaries Office, that all persons may view the same, and see where such their Servants are and in whose custody.

And furthermore, for the better ascertaining what each servant according to the custom of the Country shall have at the expiration of their servitude, Be it Enacted by the Authority Advice and Consent aforesaid, that every Man Servant shall at such time of expiration of his servitude aforesaid, have allowed and given him new hat, a good cloth suit either of kersey or broad cloth, a shift of white linnen to be new, one pair of new french fall shoes and stockings, two hoes and one ax, and one gun of twenty shillings price not above four foot by the barrel, nor less than three and a half; all Woman Servants at the expiration of their servitude as aforesaid, shall have allowed and given her the like provision of cloaths and three barrels of indian corn, and to the intent the many great mischiefs and inconveniencies arising & accrewing to divers good people of this Province by transporting or carrying and conveying away or causing to be transported carried or convey'd away out of this Province any inhabitant within this Province whether Master or Freeman not thereunto lawfully licenced, or an Apprentice hired Servant or slave may for the future be prevented,

Be it further Enacted by the Authority aforesaid, that every person or persons that shall transport, carry or convey away or cause to be transported carried or convey'd away out of his Province any inhabitant of this Province that is or shall be indentured or engaged here, & not having a sufficient licence or pass according to the Law of this Province in such case made and provided, shall be lyable to pay all such debts, engagements or damages as the said person or persons so transported, carried or convey'd away should be lyable to satisfy to any person to whom the same shall be respectively due in this Province, unless the same be otherwise satisfied in some convenient time, or that in short time he cause or procure such person or persons so carried and convey'd away to return again into this Province, whereby he may be lyable unto Justice here, and any person or persons whatsoever that shall from henceforth intice, transport or privately carry away out of this Province any apprentice, hired or other servant or slave belonging to any inhabitant in this Province shall for every such offence forfeit and pay to the employer or owner of such apprentice hired or other servant or slave trebble damages and cost, to be adjudged by the Justices of each respective County Court, or the Justices of the Provincial Court for the time of such apprentices hired or other servants or slaves unlawfully transported or carried away as aforesaid.

And whereas many great inconveniencies happened and accrewed unto many Masters, Mistresses or Dames within this Province by the wickedness & infidelity of servants purloining their said Master Mistresses or Dames Goods, & then by bartering, selling and conveying away the same unto Seamen and others whereby Masters and Mistresses of Familys are or have been very much damnsified & abused for prevention whereof for the future Be it further Enacted by the Authority aforesaid, that no person whatsoever shall trade, barter, commerce or any ways deal with any servant whether hired or indentured, or slave belonging or appertaining to any inhabitants within this Province without leave or licence first had & obtain'd from such servants master, mistress, dame or overseer for his so doing under the penalty of two thousand pounds of tobacco, the one half thereof to his Majesty for support of government, the other half to the master, mistress or true owner of such goods so purloined, bartered or conveyed away, when proved by sufficient witness

Servants and slaves.

or ~~cost~~ of the party, to be recovered in any Court of
of debt, bill plaint or information, wherein no essoyne protect
to be allowed.

And Be it further Enacted by the Authority aforesaid, &c. t.
traded or bartered as aforesaid shall exceed the sum of one thou-
bacco, that then the party or partys whose goods shall be imbezle
way as aforesaid, shall have his action at law for the damage sustain
person or persons so offending, dealing & bartering for the same, any an
Act to the contrary hereof in any wise notwithstanding. And in case sue
or persons so offending shall not be able to satisfy the same, then such person
persons shall be bound over by some one Justice of the Peace and put in secu-ty
either to appear at the Provincial or County Court whereupon conviction by con-
fession or sufficient witness the offender shall be punished by whipping on the bare
back with thirty stripes.

And for the ascertaining and limitting of servants fines of servitude, Be it En-
acted by and with the Advice and Consent aforesaid, that whosoever shall
transport any servant into this Province without Indentures, such servant being a-
bove the age of 22 years shall be obliged to serve the full space & term of 5 years,
if between 18 and 22 without Indentures 6 years, if between 15 and 18 without
Indentures 7 years, if under 15 and without Indentures shall serve till he or she
arrive at the full age of 22 years.

And Be it further Enacted by the Advice Consent and Authority aforesaid, that
all Servants transported out of Virginia into this Province shall compleat their
time of servitude here which they ought to have served in Virginia & no more.

And be it further enacted, that every master, mistress or dame, assignee or trus-
tee whatsoever owning or keeping any such servant as aforesaid, whether by virtue
of transportation purchase or otherwise, shall within six months after the receiving
such servant into their custody within this Province, except he she or they claim
but five years service of such servants, bring the said servants into the respective
County Courts where they do inhabit, and every of the said Courts are hereby
authorized to judge and determin of the age of such servants so bought and cause
the same to be entred upon Record, and every owner as aforesaid, neglecting or
refusing to bring such servant or servants before the Court as aforesaid, shall not
only stand to the determination of the Court, but also forfeit the sum of one thou-
sand pounds of tobacco to the King for the support of government for depriving
the Court of their opportunity of viewing the partys, & if any Master or Servant
aforesaid be grieved with the determination of the Court, he shall within the time
determined for their service produce a certificate authentick of such servants age, &
shall have remedy to the ages aforesaid mentioned.

And forasmuch as disputes have formerly arose at what time servants time of
servitude whether by Indenture or otherwise should commence, for the better ex-
planation whereof for the future, Be it enacted by the authority aforesaid, that all
Servants transported into this Province whether by Indenture or otherwise, the
time of service of such Servant so bound or adjudged as aforesaid shall commence
from the first anchoring of the Vessel within this Province, any law usage or cus-
tom to the contrary notwithstanding.

And be it enacted also by the Advice Consent and Authority aforesaid, that no
Indenture made by any Servant during the time of service due by former Indenture
or by determination according to the tenor of this Act shall any ways oblige any
Servant for longer time than by his first Indenture or determination of the Court
shall be limited and appointed, provided that this Act nor any thing therein con-
tained shall not give or be construed to give any benefit to any Negro or Slave
whatsoever.

And be it further enacted by the authority aforesaid, that for all such runaway
Servants or Slaves that shall be apprehended and taken up in the Province of Pen-
sylvania or Colony of Virginia, and from thence brought into this Province and
delivered to a Magistrate of the County into which they shall be brought, the
person for so doing shall have paid and allow'd him by the master or owner of such
runaway four hundred pounds of tobacco and cask, or forty shillings in money,
upon his producing a certificate from the said Justice or Sherrif of the delivery of
such runaway, except servants or runaways brovght from Accomack into Somer-

Servants and slaves

two hundred pounds of tobacco & twenty shillings, and of Virginia next the River Potomack, for which said sum or way shall make satisfaction when free, by service or otherwise says for one as the Court shall adjudge; But if such person sought and delivered as aforesaid be a Freeman and refuse to pay of tobacco or money, then & in such case the Magistrate before brought shall forthwith commit the said person for refusing to provide sufficient security or make full satisfaction by service or otherwise, it further enacted by the authority aforesaid, that if any master mistress or owner of any servant whatsoever, or overseer by the order and consent of any such master mistress or owner shall deny and not provide sufficient meat drink lodging and cloathing, or shall unreasonably burthen them beyond their strength with labour, or debar them of their necessary rest and sleep, the same being sufficiently prov'd before the Justices of the County Court the said Justices have hereby full power and authority for their first and second offence to leavy such fine upon each offender as to them shall seem meet, not exceeding one thousand pounds of tobacco, to the use of his Majesty his Heirs and Successors for the support of Government, and for the third offence to let such Servant so wronged at liberty and free from their servitude.

And be it also further enacted by the authority aforesaid, that all Negro's & other Slaves already imported or hereafter to be imported into this Province, and also all Children now born, or hereafter to be born of such Negro's or Slaves shall be Slaves during their natural lives.

And be it further enacted by the authority aforesaid, that any white woman either free or a servant that shall suffer her self to be begot with child by a Negro or other Slave, or free Negro, such woman so begot with child as aforesaid, if free shall become a Servant for and during the term of seven years, if a servant she shall finish her time of servitude together with the damage that shall accrew to such persons to whom she is a servant by occasion of any child or children begotten as aforesaid in the time of her servitude, and after such satisfaction made shall again become a servant for & during the term of 7 years aforesaid, & if such begetter of any such child as aforesaid be a free Negro he shall become a servant for & during the term of seven years aforesaid, to be adjudged by the Justices of the County Court where such fact is committed, according to this Law in the clause made and provided against such servants as have bastards, and the issues or children of any such unnatural and inordinate copulations shall be servants until they arrive at the age of 31 years, and any white man that shall beget any negro woman with child whether freewoman or servant shall undergo the same penaltys as white women, all which times of servitude by this Act impos'd on any the persons issue or children of such inordinate copulations shall be taken care of by the Justices of each respective County within this Province, and such servitude to be disposed of or employ'd as the Justices of such County shall think fit, the produce whereof shall be appropriated towards the relief of the poor.

And be it further enacted by the authority aforesaid, that every servant woman having a bastard child and not able sufficiently to prove the party charg'd to be the begetter of such child, in every such case the mother of such child shall only be liable to satisfy the damage so sustained by servitude or otherwise as the Court before whom such matter is brought shall see convenient, provided that where the mother of any such child as aforesaid do prove her charge by sufficient testimony of witnesses, confession of the party charged, or pregnant circumstances agreeing with her declaration in her extremity of her pains or throws of travel, & her oath taken by some magistrate before the time of her delivery of every such bastard child or after her delivery, then the party charg'd if a servant to satisfy half the said damage, if a Freeman then the whole damage by servitude or otherwise as the Court before whom such matter is brought as aforesaid shall think fit, and if any such mother as aforesaid be able to prove by such testimony or confession of the party charg'd, that he being a single person & a Freeman did before the begetting of such child promise her marriage, that then he shall be at his choice either to perform his promise to her or recompence her abuse according as the Court before whom such matter is brought shall adjudge.

And be it further Enacted by the Authority aforesaid, &c. that after the end of this

this Session of Assembly that it shall and may be in the County Courts of this Province to hear & determine masters and servants by way of petition to give Judgment upon the same, and that upon any Appeal or Writ of Error brought from any County Court of this Province to the Provincial Court to his Excellency the Governour and Council, shall be reversed for want of Judicial Process, or that the same was reversed, or any matter of form either in the entry or giving of Judgment appears by Record that the party Defendant was legally summoned and demanded unheard.

And be it further Enacted by the Authority aforesaid, that Servants in and out of this Province, or any servant that binds himself for years within this Province, or any bound out by the County Courts of this Province, that if any matter or dispute arises either in relation to their indentures, contracts or wages, or any other matter of difference between the said Masters and Servants the same shall be tried and heard and determined by petition as aforesaid, any Law Statute or Usage to the contrary notwithstanding.

An Act for imposing a Fine upon Edward Dorsey, convicting him of a debt three hundred thirty three pounds six shillings and eight pence to the King, and imposing a Fine on the Sheriff of Cecil and Talbot Counties.

An Act for the ordering and regulating the Militia of this Province for the better defence and security thereof.

BE IT ENACTED by the Kings most Excellent Majesty by and with the Advice and Consent of this present General Assembly and the Authority of the same, that from and after the end of this Session of Assembly the Militia of this Province shall be mustered, trained and exercised according to these instructions and directions following.

1st. That every Colonel, Major or Captain of Foot already commissioned or hereafter to be commissioned by his Excellency the Governour of this Province for the time being, shall have power to enlist such and so many inhabiting within this Province not hereafter excepted in their several and respective divisions between 16 and 60 years of age as they shall think fit, by as equal proportions of the said inhabitants as possibly they can to be of the Militia or Trainbands of this Province, which said persons so enlisted, they shall muster, exercise and train in & at such places, and at such certain times as to them shall seem meet, or the Service Safety or Defence of this Province shall require, or as his Excellency the Governour of this Province for the time being shall see cause to order.

2^{dly}. That every such Colonel, Major or Captain shall give notice or summons upon every training or mustering to every person so enlisted as aforesaid within his respective division or limit at the head of his company, or at the house of the party by an officer of his company or warrant under his hand to appear at such time and place as he shall appoint for such training or mustering, and that if any Man after such notice given & summons as aforesaid shall neglect to appear at the place and time appointed as aforesaid, or that shall refuse when he hath so appeared to be enlisted into the militia and trainbands aforesaid, or next that being so enlisted shall not from time to time as he shall be summoned or warned as aforesaid to appear and bring with him one good serviceable Gun fixed with six shoots of powder, shall for every such offence if a Freeman forfeit & pay the sum of one hundred pounds of tobacco, and if a Servant letted or hindered by his Master, Mistress or Overseer, then such master, mistress or overseer to forfeit and pay the like sum of one hundred pounds of tobacco for every such servant so letted or hindered as aforesaid, for the use of the Foot Company to purchase Drums and Colours and necessaries for the Company as the Commanders thereof shall direct. Pro that this clause be not to countenance any Officer to press Arms or Ammunition.

for regulating the Militia

on or service than training, but that upon all such occasions out of the County Magazine or Store, all which forfeitures be heard and determined by such Colonel, Major or Captain of such company as aforesaid, and account thereof kept in writing by the clerk of such company as aforesaid, which said Colonel, Major or Captain of such company as aforesaid is authorized and empowered to award Execution against the Goods and Estates of such persons so refusing, neglecting or failing as aforesaid, & that in all such Executions the respective Clerk and Sherrif of each county within this Province shall issue out and serve Execution without Reward.

And for settling the Horse Forces that a Captain of Horse in each respective County for making up of his Troop elect and enlist his number of Men out of the inhabitants of the said County, according to such instructions as he shall from time to time receive from the Governour of this Province for the time being. Provided always that such Troopers shall ride their own Horses, and that no person shall be a Trooper without he be owner of a good serviceable Horse which shall pass muster, and that such Troopers in consideration of their great pay hereunto be allowed be bound and obliged to find themselves with good able and decent Furniture for their Horses, and likewise to find themselves with Swords, Pistols, Pikes, Housers and Ammunition, and if any Troopers shall neglect or refuse upon notice given them as aforesaid (to the foot) to appear at musters at the time and place appointed as aforesaid by each respective Captain of Horse armed and equipped as aforesaid, shall forfeit & pay the sum of one hundred pounds of tobacco to be levied as aforesaid to the use of the Troop for purchasing of Trumpets and Colours and other necessaries as the Commander shall think fit, and that all such Troopers for and in consideration aforesaid, at all such times as they are out a ranging shall find their own provisions, but when in actual service shall be found provisions at the charge of this Province to be paid by the publick, & if it shall happen that any Troopers Horse should be killed in the service, then the said Trooper to be paid for the said Horse by the publick and not otherwise.

Item. That all persons in holy Orders, Delegates, Magistrates and Constables shall in their proper persons be exempted from being compelled to muster & train either in horse or foot during such time as they officiate or bear such offices as aforesaid provided that this clause shall not extend to such persons as already have or shall hereafter accept of commissions for military service from the Governour of this Province for the time being, so as to discharge such persons from their respective charges mentioned in such their several and respective Commissions, neither shall this clause or any part thereof be construed or taken to exempt any Delegates, Magistrates or Constables as aforesaid, to be led into the field to muster or training either to horse or foot when and as often as due notice & summons to them shall be given as aforesaid, some other person or persons in his or their stead or places so equipped and provided as aforesaid, upon forfeiture as aforesaid.

And Be it Enacted by the Authority aforesaid, that all Negro's & Slaves whatsoever shall be exempted the duty of training or any other military service.

Item. That the pay for the Officers and Soldiers of the Foot and Horse aforesaid, but not other then is hereafter mentioned, and for no longer time then such Officers and Soldiers shall be in actual service viz.

To every Colonel of Foot 2000 pounds of tobacco per month, to a Major of Foot 1200 per mo: to a Captain of foot 1000 per mo: to a Lieutenent of foot 700 per mo: to an Ensign 500 per mo: to a Serjeant 400 per mo: to a Corporal 300 per mo: to a Drummer 400 per mo: to every private Soldier 300 per month, To every Major General chief Commander in the Field 3000 per month, and that every Colonel of Horse have 2300 per mo: a Major of horse have 1500 per mo: a Captain of horse to be allow'd 1300 per mo: a Lieut of horse to be allow'd 900 per mo: to a Cornet 900 per mo: to a Quartermaster 600 per mo: to a Corporal 300 per mo: to a Trumpeter 200 per mo: to every private Trooper 200 per month. And that all these rates and allowances for such Officers and others aforesaid shall be allow'd and paid and no more, and that the months be mentioned be accounted, computed and reckoned according to Calender and otherwise.

Item. That whosoever it shall appear to the chief Governour of

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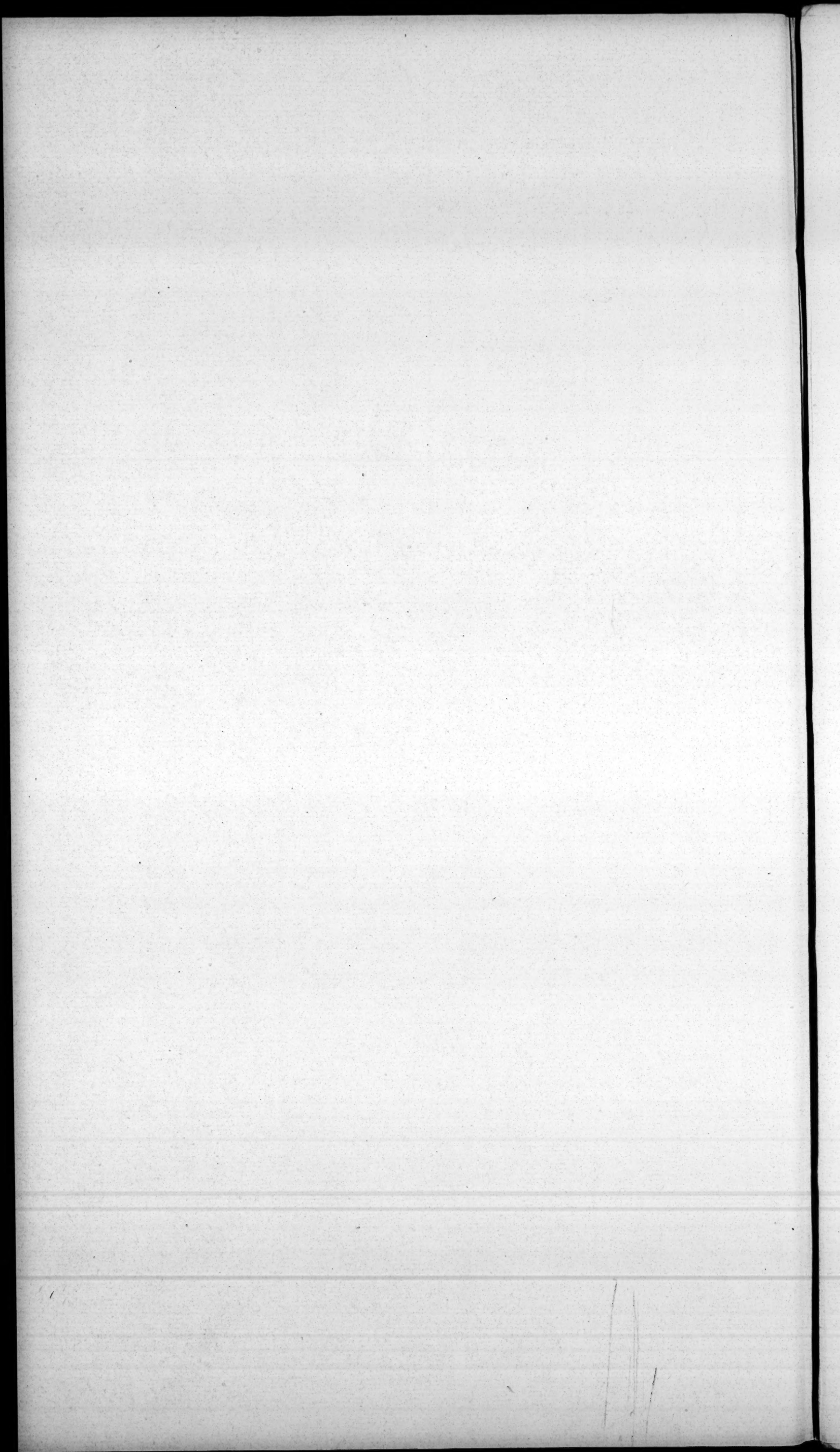
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Restoration Office Master Control N^o 00871

Title: Maryland - Body of the Laws 1700

Conservators: Marion Peck Dirda
Donald Etherington

Date Completed: July 1979

Condition Upon Receipt:

The binding was in a half leather binding of brown pin head Morrocco with brown sand grain cloth sides.

The leaves throughout the book had been laminated using tissue and starch paste. They were all single leaves though originally single folios. The volume was incomplete and in fact a few leaves have only a fragment remaining.

Conservation Treatment:

The single leaves were removed from the binding and treated with an enzyme solution to remove the laminations.

The entire text block was leaf cast and made into its original format of single folios. Three folios were joined by a guard of Japanese paper to make one section. The sections were sewn on a concertina guard with double raised cords.

The binding is full alum-tawed pigskin. A box for the binding was constructed with a portfolio included to house all relevant information to this volume.

For further information consult the Restoration Office file under Master Control N^o 00871.